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# COUNCIL JOURNALS

OF THE

## Fifteenth Regular

AND

## Extraordinary Sessions

OF THE

## LEGISLATIVE ASSEMBLY

OF THE

## TERRITORY OF MONTANA

Begun at Helena, the Capital of said Territory, on the 10th day of January 1887, and concluded on the 10th day of March 1887. Extraordinary Session begun on the 29th day of August 1887 and concluded on the 14th day of September 1887.

RICHARD O. HICKMAN  
President of the Council

L. Davis  
Clerk of the Council

Hartford D. Arkwright  
Enrolling and Engrossing Clerk

Matthew McGuirk  
Sergeant at Arms

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MONTANA LEGISLATIVE COUNCIL  
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**COUNCIL JOURNALS**

OF THE

**Fifteenth Regular**

AND

**Extraordinary Sessions**

OF THE

**Legislative Assembly**

OF THE

**TERRITORY OF MONTANA**

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Begun at Helena, the Capital of said Territory, on the  
10th day of January 1887, and Concluded on the  
10th day of March 1887. Extraordinary Session  
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and concluded on the 14th day  
of September 1887.

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Note: In transcribing this Journal from the original  
handwritten copy certain grammatical and spelling  
changes were made for uniformity. The original Jour-  
nal remains on permanent file in the Office of the Secre-  
tary of State.



GOVERNOR ..... SAMUEL T. HAUSER  
February 8, 1887 Replaced by ..... PRESTON H. LESLIE

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## MEMBERS OF THE FIFTEENTH LEGISLATIVE ASSEMBLY

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### Council

Names of Members	Counties Represented	Postoffices
Batchelder, George L.	Beaverhead	Bannack
Cardwell, Ed	Jefferson	Cold Springs
Collins, T. E.	Choteau	Great Falls
Hickman, R. O., President	Madison	*
Holliday, S. L.	Gallatin	Bozeman
Hundley, Wm. B.	Lewis and Clarke	Helena
Kennedy, Will	Missoula	Missoula
Pardee, J. K.	Deer Lodge	*
Rickards, J. E.	Silver Bow	Butte
Sutherlin, W. H.	Meagher	White Sulphur Spgs.
Thompson, J. J.	Custer	*
(Resigned: W. H. Burleigh el.)		*
Waters, Ela C.	Dawson and Yellowstone	*

### Subordinate Officers

Reuben L. Davis	Chief Clerk
Hartford D. Arkwright	Enr. & Eng. Clerk
Matthew McGuirk	Srgt. at Arms
Rev. Randolph E. Smith	Chaplain
George W. Faust	Page
Benjamin F. Hooper	Watchman

## House of Representatives

Names of Members	Counties Represented	Postoffices
Alderson, W. W.	Gallatin .....	*
Armstrong, F. K., Speaker	Gallatin .....	*
Blake, H. N.	Madison .....	*
Brown, Lawrence A.	Beaverhead .....	Dillon
Buskett, John W.	Jefferson & Lewis & Clarke .....	Helena
Gorham, T. L.	Lewis and Clarke .....	Cascade
Hanscom, C. W.	Silver Bow .....	Butte
Harwood, E. N.	Yellowstone .....	Billings
Hoffman, C. W.	Gallatin .....	Bozeman
Holt, J. M.	Custer .....	Miles City
Johnson, E. H.	Custer .....	Miles City
Kanouse, J. E.	Meagher .....	Townsend
Mantle, Lee	Silver Bow .....	Butte
Marshall, Thos. A.	Missoula .....	*
Muth, William	Lewis and Clarke .....	Helena
Page, James M.	Beaverhead and Madison .....	Twin Bridges
Scobey, C. R. A.	Dawson .....	*
Spaulding, Harrison	Missoula .....	*
Taylor, Jesse F.	Choteau .....	Choteau
Thompson, Wm.	Silver Bow .....	Butte
Titman, Jacob	Meagher .....	*
Toole, John R.	Deer Lodge .....	*
White, M. W.	Deer Lodge .....	*
Wilson, Enoch	Jefferson .....	*

## Subordinate Officers

David Marks .....	Chief Clerk
Harry Rodgers .....	Enr. & Eng. Clerk
Samuel Alexander .....	Srgt. at Arms

\*Not available

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# COUNCIL JOURNAL

## Fifteenth Session

### FIRST DAY

Council Chamber, Helena, Montana  
January 10th 1887

At the Regular Fifteenth Session of the Legislative Assembly of the Territory of Montana, begun and held at the City of Helena, in said Territory, on Monday, the Tenth day of January A.D. 1887, pursuant to the laws of the United States and the Territory of Montana.

At the hour of 12 O'clock M., the Hon. William B. Webb, Secretary of the Territory of Montana, took the Chair, and called the members present of the Council elect, to order, and appointed the Hon. James K. Pardee of Deer Lodge, Clerk pro tem.

The Chairman then called over the Council Districts, in their order, and the following named persons, claiming to be members, presented their certificates of election, to wit:

From Beaverhead County	George L. Batchelder
From Chouteau County	Timothy E. Collins
From Custer County	J.J. Thompson
From Dawson and Yellowstone	Ela C. Waters
From Deer Lodge	James K. Pardee
From Gallatin	Samuel L. Holliday
From Madison	Richard O. Hickman
From Missoula	Will Kennedy
Silver Bow	John E. Rickards

The Council took a recess for ten minutes.

Council resumed.

From Chouteau County, Timothy E. Collins presented his Certificate of election as a member of this Council and

From Lewis and Clarke County, William B. Hundley was admitted to take his seat.

Hon. James H. McLeary, Associate Justice of the Supreme Court of Montana Territory, being present, on request, administered to each and all of the

members present the oath of office prescribed by law, which oath being reduced to writing was by the members respectively subscribed and is in the words and figures following to wit:

Territory of Montana ss  
County of Lewis and Clarke

The undersigned, being first duly sworn, each for himself, and not one for the other, deposes and says,

I do solemnly swear that I will support, protect and defend the Constitution of the United States and the Organic Act of the Territory of Montana, and that I will discharge the duties of my office with fidelity. That I have not contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my election, except for necessary and proper expenses, expressly authorized by law:

That I have not knowingly violated any election law of this Territory, or procured it to be done by others in my behalf:

That I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non performance of any act or duty pertaining to my office, other than the compensation allowed by law.

Ela C. Waters, Timothy E. Collins, G.L. Batchelder, Richard O. Hickman, S.L. Holliday, J.E. Rickards, J.J. Thompson, J.K. Pardee, Will Kennedy, W.B. Hundley.

I do hereby certify that I administered the foregoing oath to the above named members of the Council of Montana Territory on the 10th day of January A.D. 1887; that I administered said oath in the Council Chamber in Helena, County and Territory aforesaid, and that the office mentioned in the foregoing oath is that of a member of the Council of said Territory.

J.H. McLeary, Associate Justice of Montana.

On motion of Kennedy, the Council proceeded to the election of the officers prescribed by law. Messrs. Kennedy and Collins were appointed tellers.

For the office of President of the Council: Rickards placed in nomination Richard O. Hickman, which nomination was seconded by Collins. On motion of Kennedy, the Clerk was directed to cast the vote of the Council for Richard O. Hickman for the office of President, which was accordingly done and on ballot, Richard O. Hickman, for the President of the Council received the vote and was declared duly elected to said office.

For the office of Chief Clerk: Reuben L. Davis was nominated by Rickards. On motion of Kennedy the Clerk was directed to cast the vote of the Council for Chief Clerk, and on ballot, Reuben L. Davis received the vote and was declared duly elected to said office.

For Enrolling and Engrossing Clerk: Hartford D. Arkwright was nominated by Waters. On motion of Collins, the Clerk was directed to cast the vote of the Council for said office and on ballot, Hartford D. Arkwright received the vote and was declared duly elected to said office.

For Sergeant at Arms: Holliday nominated Matthew McGuirk. On motion of Kennedy the Clerk was directed to cast the vote of the Council and on ballot, Matthew McGuirk received the vote and was declared duly elected.

For Page: George W. Faust was nominated by Kennedy. On motion of Collins, the Clerk was directed to cast the vote of the Council and on ballot,

George W. Faust received the vote and was declared duly elected.

For Watchman: Benjamin F. Hooper was nominated by Kennedy. On motion of Collins, the Clerk was directed to cast the vote of Council and on ballot, Benjamin F. Hooper received the vote and was declared duly elected.

For Chaplain: Rickards nominated Rev. Randolph E. Smith. On motion of Kennedy the Clerk was directed to cast the vote of the Council and on ballot, the Rev. Randolph E. Smith received the vote and was declared duly elected.

On motion of Kennedy the rules of the last previous Council were adopted as the temporary rules of this council.

Kennedy moved that the Chair appoint a Committee of three on Rules to act also jointly with a similar Committee of the House to prepare joint rules for the government of both houses. Which was carried.

The Hon. Cornelius Hedges, a Notary Public, being present and consenting, administered the oath prescribed by law to each of the following named officers of the Council, to wit:

Reuben L. Davis	Chief Clerk
Hartford D. Arkwright	Enrolling and Engrossing Clerk
Matthew McGuirk	Sergeant at Arms
George W. Faust	Page
Benjamin F. Hooper	Watchman
Rev. Randolph E. Smith	Chaplain

And said officers assumed their respective stations.

Kennedy moved that the Chair appoint a Committee of two to proceed to the Hall of the House and inform that body that the Council is now organized and ready for business and that said Committee shall act with a like Committee of the House to inform the Governor. Which was carried and Messrs. Kennedy and Hundly were appointed such Committee.

The Chair appointed Messrs. Waters, Collins and Holliday a Committee on Rules.

On motion of Kennedy the Council adjourned until tomorrow at 10 A.M.

(Attest)

R.L. Davis, Chief Clerk



## **SECOND DAY**

Council Chamber, Helena, Montana  
January 11th 1887

Council met at 10 O'Clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of first day read, corrected and approved.

Messrs. Will H. Sutherlin (from Fergus and Meagher Counties) and Edward Cardwell (of Jefferson County) members elect, of the Council, appeared, presented certificates of election, took the oath prescribed by law, and were admitted to their seats as members of the Council.

On motion, Council took a recess till 11 O'Clock A.M.

**11 A.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

Mr. Kennedy, from the special Committee appointed to notify the House that the Council is organized and ready for business, reported that said Committee had performed the duty assigned to them.

On motion of Collins the Council took a recess until 2 P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The Committee on Rules reported as follows.

Mr. President,

Your Committee, to whom was referred the subject of making rules for the guidance of the Fifteenth Legislative Council, have had the same under careful consideration and beg to recommend the adoption of the annexed Council Rules.

Respectfully Submitted  
E.C. Waters, Chairman

### **COUNCIL RULES**

Fifteenth Legislative Assembly, Montana Territory

No. 1. President. The President shall take the Chair at the time to which the Council stands adjourned and the Council shall then be called to order, roll called and the names of absentees shall be entered upon the Council Journal of the Council. In case that the President is absent, or fails from any cause to take the Chair, the Council shall appoint a President pro tem.

No. 2. Quorum. Upon the appearance of a quorum, which shall consist of a majority of the whole number of members, and after services by the Chaplain,

the Journal of the preceding day shall be read by the Clerk and any mistakes therein may be corrected by the Council.

No. 3. Order. The President shall preserve order and decorum and shall decide question of order, subject to an appeal to the Council.

No. 4. President Shall Vote. The President shall vote on all questions taken by yeas and nays and in all elections and decisions called for by any member.

No. 5. Members Shall Remain Seated. When the Council adjourns, the members shall keep their seats until the President announces the adjournment.

No. 6. Proper Decorum. Every member, previous to speaking, shall rise from his seat and respectfully address himself to the President.

No. 7. Two or More. When two or more members rise at once, the President shall designate the member who is first to speak; but in all cases, the member who shall first rise and address the Chair shall speak first.

No. 8. Not to Speak More Than Twice. No member shall speak more than twice on the same subject, without leave of the Council, nor more than once until every member choosing to speak on the question pending shall have spoken.

No. 9. Motion to Be Seconded. No motion shall be debated or put, unless the same shall be seconded. It shall be stated by the President and such motion shall be reduced to writing if the President or any member shall desire it.

No. 10. Motions in possession of the Council. After any motion shall be stated by the President, it shall be in possession of the Council, but may be withdrawn with the consent of the Council, at any time before amendments shall be entered upon the Journal, whether they are rejected or adopted.

No. 11. Debate. When a question is under debate, no motion shall be received except:

- 1st. to adjourn;
- 2nd. to lay on the table;
- 3rd. for the previous question;
- 4th. to postpone to a day certain;
- 5th. to commit to a standing Committee;
- 6th. to commit to a select Committee;
- 7th. to amend;
- 8th. to postpone indefinitely;

And these several motions shall have precedence in the order in which they stand arranged.

No. 12. Adjournment. A motion to adjourn shall always be in order, except when a member is addressing the Chair, or a vote is being taken; that, and the motion to lay on the table, shall be received without debate.

No. 13. Previous Question. The previous question shall be in this form; "Shall the main question now be put." It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the Council to a direct vote upon the amendments reported by a Committee, if any; then upon pending amendments, and then upon the main question. On a motion for the previous question and prior to the vote being taken thereon, one call of the Council shall be in order; but after a majority shall have voted in favor of such motion, no call shall be in order prior to a decision of the main question.

No. 14. Same. When on taking the previous question, the Council shall decide that the main question shall not now be put; the main question shall remain as the question before the Council, in the same stage of proceedings as before the previous question was made.

No. 15. Incidental Questions. All incidental questions of order, arising after a motion is made for the previous question, during the pending of such motion, or after the Council shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate.

No. 16. Petitions. Petitions, memorials, and other papers addressed to the Council shall be presented by the President, or by a member in his place.

No. 17. Voting. Every member who shall be present before the vote is declared from the Chair and no other, shall vote for or against the same, unless the Council shall excuse him; or unless he is immediately interested in the question, in which case he shall not vote.

No. 18. When The Question Is Being Put. When the President is putting the question, no member shall walk out of, or across the hall; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the Chair.

No. 19. Several Points. If the question in debate contains several points, any member may have the same divided.

No. 20. Members Called to Order. A member called to order shall immediately sit down, unless he desires to explain, after which he shall take his seat until the point of order be decided by the Chair, which shall be final; unless the member desires to appeal, in which case he shall have the right to arise and ask the Chair to put his motion to the Council, whose duty it shall be to immediately comply; and the question shall be; "Shall the decision of the Chair be sustained?" in case of a tie vote the Chair is sustained.

No. 21. Introduction of Bills. Every Bill shall be introduced by a motion for leave or by an order of the Council or on a report of a Committee; and one day's notice, at least, shall be given of a motion for leave to bring in a bill, unless two thirds of the members present shall vote in favor of its being brought in without such previous notice. Every notice for leave to bring in a bill (and every notice to bring in a bill) shall be in writing or printing and shall state the subject of the bill.

No. 22. Bills Endorsed. Every bill, before being introduced, shall have endorsed thereon the title of the same and every bill and resolution shall have thereon the name of the member introducing it; and when ordered by a Committee, the name of such Committee shall be endorsed thereon.

No. 23. Bills to Be Read. All bills, memorials, or joint resolutions shall be read at length, the first time for information; and if opposition be made to it, the question shall be: "Shall this bill be rejected?" If no opposition be made, or if the motion to reject be lost, the bill shall go to its second reading without a question.

No. 24. Second Reading. All bills, memorials, or joint resolutions, on their second reading, shall be read by their title and the question taken upon their commitment, amendment, or engrossment; but no bill shall be read the third time before passing to General Orders, except by order of the Council.

No. 25. Third Reading. All bills, memorials, or joint resolutions, on their third reading, shall be read at length and no amendments shall be in order, except by unanimous consent of the Council.

No. 26. Second and Third Readings. All bills shall be read three times before their final passage and may be read twice on the day presentation, unless ordered, and no bill shall be passed, unless it shall have been read once at length.

No. 27. No Amendment. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing, thereto, or incorporating therewith, any other bill or resolution, pending before the Council.

No. 28. Committee of the Whole. In forming a Committee of the Whole Council, the President shall appoint a Chairman to preside.

No. 29. Bills Committed to the Committee. Shall in the Committee of the Whole thereon, be first read through, unless the Committee shall otherwise order, and then read and debated by Sections, leaving the title to be last considered. All amendments shall be made in writing or printing and reported to the Committee by the Chairman.

No. 30. Questions in Committee of the Whole. All questions whether in Committee or in Council, shall be put in the order in which they are moved, except in cases of privileged questions and in filling blanks, when the largest sum and longest time, shall be first put.

No. 31. Same Mode. A similar mode of proceeding shall be observed with bills which have originated in and passed by the House, as with bills originating in the Council, except, they shall not be printed.

No. 32. Reconsideration. No motion for reconsideration shall be in order unless on the same day, or the day following that on which the decision proposed to be reconsidered, took place, nor unless one of the majority shall move such reconsideration.

No. 33. Motion to Reconsider. When notice of the intention to move the reconsideration of any bill or joint resolution shall be given by a member, the Clerk of the Council shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

No. 34. Who Shall Move for a Reconsideration. Any member that votes on that side of a question which prevailed, may be at liberty to move a reconsideration and a motion for a reconsideration shall be decided by a majority of votes.

No. 35. When Lost. In all cases, when the Council shall be equally divided, the question shall be lost, except in case of appeal from the Chair.

No. 36. Council Rules Observed in Committee of the Whole. The rules of the Council shall be observed in Committee of the Whole Council so far as may be applicable, except that yeas and nays shall not be called, the previous question enforced nor the time of speaking limited.

No. 37. Committee Rise. A motion that the Committee rise shall always be in order and shall be decided without debate.

No. 38. Standing Committees. Standing Committees consisting of three members each shall be appointed on the following subjects,

1. Ways and Means.
2. Judiciary.
3. Internal Improvements.
4. Public Lands.

5. Federal Relations.
6. Education and Labor.
7. Towns and Counties.
8. Military Affairs.
9. Incorporations.
10. Agriculture and Manufactures.
11. Elections.
12. Indian Affairs.
13. Mines and Minerals.
14. Immigration.
15. Roads and Highways.
16. Engrossment.
17. Enrollment.
18. Printing.
19. Grazing and Stock-growing.

No. 39. Engrossment. The Committee on Engrossment shall examine all bills after they are engrossed and report the same to the Council (correctly Engrossed) before the third reading, said Committee may report at any time.

No. 40. Enrollment. The Committee on Enrollment shall examine all Council bills and joint resolutions which have passed the two Houses and when reported correctly enrolled they shall be presented to the presiding officers of the Council and House for their signatures and when so signed to go to the Governor for his approval, said Committee may report at any time.

No. 41. Select Committees. Select Committees, to whom reference shall be made, shall in all cases report a state of facts and their opinion thereon to the Council.

No. 42. In all cases where a bill, order, resolution or motion shall be entered on the Journal of the Council, the name of the member moving the same shall be entered on the Journal.

No. 43. Persons Admitted Within the Bar. No person shall be admitted within the bar of the Council but the Executive Secretary of the Territory, members of the House, exmembers of the Council, Territorial Treasurer and Auditor, Judges of the Supreme Court and such other persons as the Council may deem proper to admit.

No. 44. Clerk to Make a List of All Bills. The President of the Council shall cause the Clerk of the Council to make a list of all bills, resolutions, reports of Committees and other proceedings of the Council which are committed to a Committee of the Whole Council and which are not made the order of the day for any particular day and to number the same, which list shall be called "the general order of the day" and they shall be taken up in the order in which they are numbered, unless otherwise ordered by two thirds of the Council and the Clerk shall also keep a book showing the situation and progress of bills.

No. 45. President to Announce the Order of the Day. On the meeting of the Council after the reading of the Journal of the preceding day and prayer by the Chaplain, the order of business for the day shall be as follows.

1. Presentation of Petitions.
2. Reports of standing Committees.
3. Reports of select Committees.
4. Notices.
5. Introduction of Bills.
6. Motions and Resolutions.
7. Consideration of Messages from the House.

8. Reading of House Bills, Resolutions and Memorials.
9. Third Reading of the same.
10. Third Reading of Council Bills.
11. Consideration of the General Orders.
12. Unfinished Business.

No. 46. Several Motions. Whenever the report of any Committee of Conference contains several modifications or amendments, any member may have the same divided and the question of concurrence taken separately upon each modification or amendment.

No. 47. General Orders. When the Council has arrived at the general order of the day, they shall go into Committee of the Whole upon such orders or particular order designated by a vote of the Council and no other business shall be in order until the whole are considered or passed or the Committee rise and unless a particular bill is ordered up, the Committee of the Whole shall consider, act upon or pass upon the general orders according to the order of their reference.

No. 48. President to Leave the Chair. The President may leave the Chair and appoint a member to preside but not for a longer time than one day, except by leave of the Council.

No. 49. Parliamentary Practice. The rules of parliamentary practice embraced in Jeffersons Manual shall govern the Council in all cases when they are applicable and in which they are not inconsistent with the standing rules and orders of the Council and the joint rules and orders of the Council and House.

No. 50. Suspend, Alter or Amend. No rule of the Council shall be suspended, altered or amended without the concurrence of two thirds of the members present.

No. 51. Time of Meeting. The hour of the daily meeting of the Council shall be 10 O'Clock in the morning until the Council directs otherwise.

No. 52. Yeas and Nays. The yeas and nays shall not be ordered unless demanded by two members, except on the final passage of the bills, joint resolutions, and resolutions making appropriations of money in which case the yeas and nays shall be had without demand.

No. 53. Printed. All Council bills of a general nature shall after their second reading be printed without special order from the Council.

No. 54. Memorials to Congress. All orders, joint resolutions and memorials to Congress, after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of the House and President of the Council and forthwith transmitted by the Chief Clerk of the respective House in which they originated to the President of the Senate, the Speaker of the House of Representatives in Congress, and also to our Delegate in Congress.

No. 55. When a Committee shall mention a bill in its report the number and title of such bill shall be given.

No. 56. Executive Business. All Executive business shall be transacted with closed doors unless otherwise ordered by the Council.

No. 57. The objections of the Governor to all Council bills vetoed by him, shall be at once extended in full upon the Journal of the Council and the bill together with the message shall go upon the General Order file unless otherwise ordered by the Council.

On motion of Cardwell the Report was adopted.

Messrs. Henry N. Blake and C.W. Hoffman, a Committee of the House, appeared at the bar of the Council and reported as follows:

Mr. President,

We have been appointed a Committee on behalf of the House to inform your Honorable body that the House has organized by the election of the following officers, to wit:

Speaker	Francis K. Armstrong
Chief Clerk	David Marks
Enrolling & Engrossing Clerk	Harry Rodgers
Sergeant at Arms	Samuel Alexander
Watchman	Benjamin D. Stone
Messenger	Arthur J. Peltitier
Chaplain	R.F. Beasly

And that the House is ready to proceed with the business of the session.

Henry N. Blake  
C.W. Hoffman      Committee

Messrs. Thos. C. Marshall, J.M. Page and J.R. Toole appeared and announced that they had been appointed a Committee of the House to act jointly with a Committee of the Council and to inform the Governor that the Council and House are organized and ready for business and the special Committee of the Council appointed for that purpose were excused to perform that duty.

Collins moved that a Committee of three (3) on mileage be appointed. Carried. Messrs. Collins, Batchelder and Thompson were appointed such Committeee.

On motion of Rickards the Council took a recess till three (3) P.M.  
Council resumed.

Roll called—Quorum present.

Waters offered the following Resolution:

Resolved. That a vote of thanks be extended to Hon. J.H. McLeary, Judge of the Supreme Court, for his attendance and services in swearing in this body; and that the Clerk be instructed to forward him a copy of this Resolution, which was adopted by a unanimous vote.

On motion of Waters, Council adjourned until tomorrow at 10 A.M.

Attest

Reuben L. Davis, Chief Clerk



### THIRD DAY

Council Chamber, Helena, Montana  
January 12th 1887

Council met at 10 O'Clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Journal of Second day read.

On motion of Kennedy, reading of that part of the Report of the Committee on Rules, containing Rules of the Council, was dispensed with.

Journal of Second day approved.

Leave being granted, the following Report was received.

Mr. President,

Your joint Committee appointed to notify the Governor that the 15th Legislative Assembly was duly organized and ready to receive any communication which he might desire to make would respectfully report that we have performed that duty.

Will Kennedy  
Wm B. Hundley  
Committee from the Council

Thos. C. Marshall  
J.R. Toole  
J.M. Page  
Committee from the House

On motion of Rickards report accepted and Committee discharged.

The President announced the following Standing Committees of the Council.

Ways and Means	Pardee Collins Waters
Judiciary	Collins Holliday Rickards
Internal Improvements	Waters Thompson Batchelder
Federal Relations	Hundley Holliday Cardwell
Education and Labor	Rickards Kennedy Sutherlin
Towns and Counties	Cardwell Holliday Thompson

Public Lands	Batchelder Sutherlin Holliday
Incorporations	Rickards Kennedy Collins
Agriculture & Manufactures	Cardwell Holliday Batchelder
Ways and Means	Pardee Collins Waters
Judiciary	Collins Holliday Rickards
Internal Improvements	Waters Thompson Batchelder
Federal Relations	Hundley Holliday Cardwell
Education and Labor	Rickards Kennedy Sutherlin
Towns and Counties	Cardwell Holliday Thompson
Public Lands	Batchelder Sutherlin Holliday
Incorporations	Rickards Kennedy Collins
Agriculture and Manufactures	Cardwell Holliday Batchelder
Elections	Waters Rickards Collins
Indian Affairs	Thompson Batchelder Sutherlin
Mines and Minerals	Pardee Rickards Hundley
Immigration	Thompson Sutherlin Pardee

Roads and Highways	Holliday Thompson Hundley
Military	Kennedy Waters Thompson
Engrossment	Holliday Pardee Hundley
Enrollment	Kennedy Waters Collins
Printing	Sutherlin Kennedy Pardee
Grazing and Stock-growing	Hundley Thompson Batchelder

Kennedy gave notice of introduction of a Bill entitled, An Act amending section 529 of the Fifth Division of the Revised Statutes of Montana.

On motion of Kennedy, the report of the Committee on Rules was referred to the Committee on Printing.

On motion, Council took recess until 11 O'Clock A.M.

Council resumed at 11 A.M.

Mr. President in the Chair.

Roll called—Quorum present.

The following message was received from the Governor.

Executive Department  
Territory of Montana

Helena, January 10th 1886 [sic]

Gentlemen of the Council and House of Representatives:

After an interval of two years of steady and general growth and prosperity in our territory, you have assembled as legislators, charged with the difficult and responsible duty of enacting such legislation within the range of your restrictive powers as shall best promote the interest of all of the people of Montana.

The provisions of the restrictive act, entitled "An act to prohibit the passing of local and special laws in the territories of the United States to limit territorial indebtedness," approved July 30, 1886, are so sweeping as to confine your legislative powers almost exclusively to the passage of general laws. This imposes on you the difficult duty, which should not be delayed, of enacting such general laws as will meet recognized special needs in various localities.

#### FINANCIAL AND GENERAL PROSPERITY

Development has served to continually increase confidence in the value and permanence of our gold, silver and copper mines, so that capital is being year after year more confidently invested in such properties and the appli-

ances for the treatment of ores. Large deposits of coal have materially added to the mineral resources of the territory; our stock interests have largely increased in importance; the value of our agricultural industries have been greatly enhanced; our population has grown rapidly, until it is now estimated at over 150,000, while our assessed valuation is reported at \$55,076,871.53. Add to this the value of our mines, which are not assessed, and the amount will reach \$100,000,000.00.

### CONDITION OF THE TREASURY

The following condition of the treasury is shown by the tables of the auditor for the two years ending December 31, 1886:

Total receipts for the two years, ending Dec. 31, 1886	\$334,132.61
Balance in the treasury January 1, 1885	<u>5,237.59</u>
Total	\$339,370.20
Disbursements for the two years, ending Dec. 31, 1886	\$282,101.02
Balance in treasury Jan. 1, 1887	57,269.18
The receipts into the treasury were from the following sources, to wit:	
From license and property tax	\$328,389.97
From insurance fees	2,800.00
From fees for recording marks and brands	2,068.00
From fees for notaries commissions, etc.	<u>874.64</u>
Total receipts	\$334,132.61

The disbursements were as follows, to wit:

For criminal expenses	\$121,061.19
For insane expenses	88,741.90
For bounty paid for killing animals	25,439.00
For salaries and other expenses	<u>46,858.93</u>
Total disbursements	\$282,101.02
Warrants outstanding amount to	2,057.00

There is no bonded indebtedness.

### THE JUDICIARY

The creation, by act of congress of a fourth judicial district, and the appointment of a fourth justice, with the provision that the judge presiding at the trial of a case in the district court shall not sit upon the bench in the appellate court during the hearing of such case upon appeal, have added greatly to the efficiency of our judiciary and given greater confidence in, and respect for, the judgments of the supreme court. It is a good and safe rule generally to avoid radical changes of law. It is important for the people to become familiar with the laws, and to have them judicially determined in our courts. Better results are obtained where there is greater familiarity with the laws, than where they are undergoing rapid and extreme changes to reach some ideal perfection. Therefore, the best suggestion I can make is, to change the laws as little as possible—to remedy some defects in the present law. The courts and attorneys discover these defects in attempting to apply the laws in practice, and to adjust them to conflicting individual interests.

### SCHOOLS

Material prosperity, good order, respect for and obedience to law; public and private morality, and general progress, are all promoted by general intelligence. The people of Montana, with a steadfast zeal that cannot be too highly

commended, have fostered and sustained a system of public schools with the most satisfactory results. None of the territories, and few of the states can show a better system sustained by self-imposed taxation. The general government that assumes the chief responsibility of preparing our people to exercise the functions of a sovereign state, and has even gone so far as to prescribe what shall be taught in our schools, has never yet given a dollar in any shape or form to aid in their education. The promised endowment from the school lands is reserved for a future generation that will certainly be better able to provide for itself than the present one. It would be proper to ask, and as an advance upon our school lands, the interest upon which could be used at once, when the people are poor and most need it. When, as a state, we come into possession and control of our school lands, this advance from the government would be repaid from the first sale. The report of our superintendent of public instruction and other recommendations from those practically engaged in this business of giving instructions, will deserve your attention in making amendments to our school laws. It would seem to me wise to provide in some way for the introduction of training and manual labor into our public schools. It would be a proper recognition of the dignity of labor while giving the rudiments of an intellectual education; and without interfering with that, give to all some practical instruction in the most useful arts and trades; so that when our children left the school house, they would be better equipped for the responsibilities of actual life. It might be well to consider whether the territory could afford a normal school, for the better training of the teachers in the public schools.

## RAILROADS

We are in the midst of an era of railroad building in our territory such as we have not hitherto known. The promise is, that at a very early day all of our principal towns, mining agricultural and stock growing districts will be connected and brought into intimate relationship with each other, as well as with the centers of population both east and west, by the various railroads now operating and those in course of construction and in immediate contemplation. There are 1070 miles of completed road, and over 1000 miles being constructed within our borders. We should extend a hardy welcome to all such enterprises. The territory is vastly benefited by every one of them. They should be encouraged and their interests protected. We should not, however, lose sight of the fact that railroads are owned and conducted by corporations, and corporations are not always managed in the interest of the people. The authority of legislatures to place certain limitations upon corporations in the conduct of their affairs is no longer an open question. No serious conflict between these corporations and the people has yet arisen in Montana, nor is there any reason to anticipate such a conflict at the present time. In truth, the interests of the people and corporations ought to be and, if rightfully understood, are identical and no conflict should arise between them. But it is our duty in advance to make such laws as will protect the people in case such exigency shall arise. It can readily be seen how the exigency may arise. Partiality for a particular town, or district, or industry, or mine, may cripple, or possibly ruin other towns, districts, industries, or mines. This might be easily accomplished by discrimination in rates of transportation. The best interests of our territory require that all should be treated alike and discrimination prevented. Legislation to this end is a demand which should have for its fulfillment the very highest consideration at the hands of our law-makers. All classes of industry are equally interested in this subject. Whatever laws may

be enacted in reference to transportation companies should be framed with a view of not injuring any interest, but should be based upon the principle of exact justice to all the varied and complex interest affected thereby. With the ample experience of older communities you should be able to avoid the mistakes by which measures intended to prevent have created opportunities for oppression, and in many instances given rise to evils far surpassing those they were intended to correct. The laws should be so framed that while they do not invade any of the rights of the corporations, they shall at the same time amply protect the people and our manifold industries against the abuse by corporations of the great powers wielded by them.

### REGISTRATION LAWS

The enactment of a registry law is fast becoming a necessity, in order to secure elections that shall fairly and honestly represent the choice of a majority of those legally entitled to vote. The ballot box is universally esteemed as one of the chief safeguards of our liberties, and any measure calculated to protect it from the evil designs of corrupt men, should enlist the support of all patriotic citizens.

### MILITIA

The last legislative assembly very wisely passed an act providing for the organization of the militia of the territory. There can be no doubt that organized companies of militia at the various centres of population in the territory would have a wholesome and most beneficial effect. They are conservators of the peace, and their services may be required at any time for the enforcement of the law and the protection of life and property. While there now exists no good reason to apprehend any disturbance within our territory, it is part of prudence to be prepared to meet and cope with them should they arise. Desiring therefore, to see the act referred to carried into full force and effect, I have sought to procure suitable arms with which to equip companies organized under the law, the territory having no arms except a lot of muzzle-loading muskets, which, by changes made in the manual of arms since the adoption of breechloading guns, have become wholly useless even for the purpose of drill. I made application to the ordnance department of the United States for the issue to the territory of suitable arms for the use of the national guards. The chief of ordnance consented to honor a requisition from me for a thousand stands of arms, the requisition to be accompanied by a suitable bond for the surrender of the arms at any time they may be required by the secretary of War. I made a requisition and sent a good and sufficient bond in the amount required; but upon the reference of the bond by the chief of ordnance to the judge advocate of the army, he decided that it could not be accepted unless it was duly authorized by an act of the legislative assembly of this territory. There is no legislation now on our statute books which would authorize the execution of a bond of this purpose. I respectfully recommend the passage of a law of this character, to the end that we may procure suitable arms for the equipment of such companies of the National Guards of Montana as desire to organize.

### TIMBER LANDS

You should, in my opinion, memorialize congress at an early day for the passage of a law providing for the sale of the timber lands of the United States in this territory, or the passage of a law providing for the payment of a stumpage tax for the cutting of timber upon the unsurveyed lands within the territory.

The present law of the United States in reference to the timber within the territory was undoubtedly intended to permit the people of the territory to cut and use all the timber necessary to the settlement and development of the country, until such time as it became possible to procure titles to the timbered lands by surveys and further enactments. Otherwise it should have been entitled "An act to prevent the mining and settlement of Montana and other mineral territories." The power given to the secretary of the interior to regulate and control the cutting, was clearly intended to prevent waste and exportation of the timber, but not to interfere with the intent and object of the law "to allow timber to be cut for mining and other domestic purposes," which covers all known uses. Yet the provisions of the enactment, confining the cutting to mineral land, are such, that the rulings and regulations of the secretary, in attempting to carry out the law, have endangered the greatest and most important interest of the territory—our mining interests, by confining such cutting to lands that are only, or chiefly valuable, for the minerals they contain. I know the secretary has the interest of the territory at heart and would not, if he knew it, jeopardize them. Want of knowledge of our peculiar situation, of our absolute dependence upon the timber, of the fact that nine-tenths of the timber is on rugged mountains at the head of the streams, and on mineral lands in the broad sense and in the meaning of the act, together with the misrepresentation of want of knowledge, of some of the commissioner's agents, sent here to report the facts and situation, are the principal causes of our trouble and danger.

No people living have a larger interest in preserving the timber growing on the public domain in the territory than the people you represent; and I am satisfied they would heartily endorse and help carry out any legislation, either by you or the general government, looking to and providing for the preservation of the timber against wilful and unnecessary waste, fire or exportation from the territory.

#### CARE OF THE INSANE

Your attention is directed to the inadequate and expensive method of caring for the indigent insane, which has obtained in this territory for several years past. The indigent insane of the territory have been and are yet cared for by Doctors Mitchell and Mussigbrod under contract made with them, under the provisions of section 722 of the Revised Statutes. Their care and management of these unfortunates have thus far, been satisfactory in every respect; but in my opinion, it is high time that steps were taken to provide some more permanent asylum for their detention and treatment. Should the gentlemen who now have the contract see fit to terminate it, or not renew it at its expiration, it would, for a time at least, seriously embarrass the executive of the territory to find suitable quarters for these patients. I think a start, at least, should be made by the present legislature looking toward the establishment of a permanent asylum at some suitable point in the territory. I would recommend that you provide for the appointment of commissioners authorized to select and purchase a suitable site for such an institution, and provide for the erection of at least, temporary buildings for this purpose. I am of the opinion that an asylum constructed upon the cottage plan would answer every purpose. Cottages sufficient to accommodate all of the patients, at present a charge upon the territory, could be constructed for comparatively a small sum; and should the number of patients increase with the increase of our population, as will doubtless be the case, additional cottages can be erected without any considerable outlay. I earnestly entreat your careful consideration of this question.

## TAXATION

In the matter of taxation the people are always keenly sensitive to any inequalities. There should be some rule applicable to the whole territory, whether property is to be rated at its full cash value, or at some point below, as two-thirds. In the same classes of property, such as stock, there is a considerable difference of valuation in adjacent counties, which offers the temptation to drive cattle for a time, into the county where the rate of valuation is the lowest. In the matter of taxation of mortgaged property the law as it now stands is much too loose and indefinite, and results in many cases in double taxation. The borrower paying tax both on the property and mortgage, the lender simply increasing the interest to cover the tax on the mortgage.

## REVISION OF CERTAIN LAWS

It is represented to me by those who have better means of knowing than I have, that our probate laws are seriously defective in several respects. That our road laws need repairing as much as our roads; that the sheriffs' fee bill for support of prisoners is not what it is supposed to be, the latest amendment being engrafted upon a repealed statute. That the law of succession needs very careful consideration, as its provisions are conflicting. And doubt is expressed as to whether the dower law of 1876 is yet in force, or whether it was repealed by the revised statutes of 1879. It is the dictate alike of justice and humanity that a wife shall have in the property of her husband a certain well defined interest; an interest of which she cannot be deprived by the will of her husband. Your attention is called to the fact that by our statute the age at which a girl may consent to her own ruin is fixed at the age of ten years. In my opinion the age of consent should be fixed at not less than 14 years. Complaint is made from several counties that the law substituting a salary limitation, instead of payment by fees direct to county officials, is working to the disadvantage of several counties, and efforts will be made to repeal the entire law. The present law was passed to remove the temptation from county officials of charging illegal fees or of making business for the sake of fees, and of neglecting necessary public business for which no fees were provided. If there has been a falling off of some kinds of public business, the public is probably the gainer by reason of it. If my information is correct, both the fees and salaries are, in many cases too high.

## MEMORIALS

If you can do anything by way of memorials to enlighten congress as to the ability of the people of Montana to assume the burdens of state government, and their entire willingness to relieve the general government of any special expense or legislative care on our account, it is worth the effort. Another subject for memorials is the urgent need of a general survey of the public domain in advance of settlement; so that railroad and school lands may be known before the settler drives his stakes or makes his improvement.

And in any contemplated change of the land laws it would be well to represent the general desire and interest of our people that the desert land act should be retained, under which a large amount of waste and worthless land has been reclaimed, and much is capable of reclamation. Unless the general government will thus encourage the construction of irrigating ditches, or of sinking artesian wells, it would be only following the precedent in the case of swamplands, to give them—the desert lands—to the territories and states in which they lie. The irrigation of desert lands is as costly and beneficial as draining swamps.

As you are familiar with the laws, are direct from, and of the people, and know their wants and needs, I have no doubt that you will legislate in the interest of the people; to that end you will have my hearty co-operation.

S. T. Hauser

On motion of Pardee the Governor's Message was referred to the Committee on Printing.

On motion of Kennedy, the list of Committees and list of names of Standing Committees was referred to the Committee on Printing, with instructions to confer with the Territorial Secretary in regard to printing thereof.

Hundley moved that the Governor's Message be made the Special Order for tomorrow at 10:15 A.M. Carried.

On motion of Hundley, the Council adjourned until tomorrow at 10 O'Clock A.M.

Reuben L. Davis, Chief Clerk



## FOURTH DAY

Council Chamber, Helena, Montana  
January 13th 1887

Council met at 10 O'Clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of third day (except the Governor's Message, the reading of which was, on motion, dispensed with) read and approved.

The hour having arrived for which the Governor's Message was made the special order, the same was taken up, read by paragraphs and on motion, referred to Committees as follows:

Section 1	To Committee on Federal Relations
Section 2	To Committee on Ways and Means
Section 3	To Committee on Judiciary
Section 4	To Committee on Education and Labor
Section 5	To Committee on Incorporations
Section 6	To Committee on Elections
Section 7	To Committee on Military Affairs
Section 8	To Committee on Public Lands
Section 9	To Committee on Internal Improvements
Section 10	To Committee on Ways and Means
Section 11	To Committee on Judiciary
Section 12	To Committee on Federal Relations

The following report was received.

Mr. President,

Your Select Committee appointed to ascertain the number of miles necessarily traveled by the members of the 15th Legislative Council in reaching the Capitol and returning to their homes, beg to report that we have ascertained from the several members the required information as follows.

G. L. Batchelder	400 miles
E. Cardwell	150 miles
T. E. Collins	300 miles
R. O. Hickman	426 miles
S. L. Holliday	250 miles
W. B. Hundley	2 miles
Will Kennedy	250 miles
J. K. Pardee	204 miles
J. E. Rickards	212 miles
W. H. Sutherlin	160 miles
J. J. Thompson	870 miles
E. C. Waters	480 miles

Respectfully submitted  
T. E. Collins  
G. L. Batchelder  
J. J. Thompson  
Committee

The following Bill was introduced.

By Kennedy, C.B. No. 1—"Bill for an Act amending Section 529 of the Fifth Division of the Revised Statutes".

Which Bill was read the first and second times and referred to the Committee on Printing.

The following communication was received.

House of Representatives  
15th Session, Montana Legislature  
Helena, M.T., January 13th 1887

Mr. President,

I am directed by the House to inform your Honorable body that the House adopted the joint rules for the government of the two Houses, as reported by the Joint Committee.

Respectfully  
David Marks, Chief Clerk

The following report was received.

Mr. President,

We your Committee on Joint Rules beg leave to report that we have had the same under consideration, and would recommend the adoption of the annexed Joint Rules of the Council and House of the Fourteenth Session of the Montana Legislature, for the Fifteenth Session, with the following amendments, and as amended recommend their adoption.

E. C. Waters, Chairman

Joint Rules  
of the  
Council and House Adopted at the  
Fifteenth Session  
of the  
Montana Legislature

I

The Chamber of the Council and Hall of the House of Representatives shall be open from 8 O'Clock A.M. until 11 O'Clock P.M. of each day during the session, unless by resolution of the Council, its chamber, or by resolution of the House, its hall shall be closed.

II

The presiding officer of each house, and subject to his directions, the Sergeant-at-Arms of each house, shall have general supervision and control of the rooms in which such house meets, and shall see that the doorkeeper and watchman of each house shall be responsible for all property left therein by the government and the members respectively.

III

The doorkeepers at all times when the rooms of the house or either of them are open, shall be at their posts, and will admit no person upon the floor of their houses not privileged thereto, except that during any recess a member may invite any person to the floor.

## IV

No moneys from the Territorial Treasury shall be expended; nor shall any indebtedness or liability of the Territory be incurred by either house, except upon a concurrent or joint resolution of both houses.

## V

The title to every bill shall briefly state its general object and every bill shall be numbered by the Clerk and the title thereof, and the name of the member introducing the same shall be endorsed thereon.

## VI

Neither house during the session shall adjourn more than one day, at any time, nor to any other place than that in which such house shall be regularly sitting, without the consent of the other.

## VII

Messages shall be transmitted between the two houses by the Chief Clerk or Sergeant-at-Arms, or by such other officer of each house as its sense of propriety may dictate, which messages shall keep each house informed with promptness of all notices given and bills introduced and of the general condition and state of the business of the other.

## VIII

Upon the presentation of an enrolled bill by the Enrolling Committee of either house to the presiding officer for his signature thereto, he shall rise in his place and give notice that he is about to sign the same, giving the title thereof; whereupon, if any member shall signify his wish so to do, he shall be permitted to examine the same, but no objections to the presiding officers signing the same shall be of any avail if the same conforms to the engrossed bill as it passed both houses.

## IX

The Enrolling and Engrossing Clerks of the two houses, under the direction of the presiding officer of each house, respectively, when not engaged in enrolling or engrossing bills shall assist the several select or standing committees.

## X

The journal of each house shall give the title and number of each bill, joint resolution or memorial; but the second and all subsequent references shall be complete when referred to by its number.

## XI

In every case of disagreement between the two houses, if either house requests a conference and appoints a committee for that purpose, the other house shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time, to be agreed upon by their chairman, and, having conferred freely, each shall report to their respective houses the result of their conference.

## XII

When a message shall be sent from either house to the other it shall be announced at the door of the house to which it is sent by the doorkeeper thereof, and shall be respectfully communicated to the chair by the person by whom it is sent.

## XIII

When a bill shall have passed both houses, it shall be duly enrolled by the Enrolling Clerk of the house in which it originated, and the fact of its origin shall be certified by the endorsement of the Clerks thereof.

## XIV

Each enrolled bill shall be signed first by the Speaker of the House of Representatives and then by the President of the Council in the presence of their respective houses while in session.

## XV

After the bill shall have thus been signed in each house, it shall be presented by the Committee on Enrollment of the house in which it originated to the Governor, for his approval, and the Committee shall forthwith report the day and hour of presentation, which shall be entered upon the journal of such house.

## XVI

All memorials to Congress, or to any officer or other authority of the government, after they shall have passed both houses, shall be carefully enrolled, signed by the Speaker of the House of Representatives and the President of the Council, and shall be transmitted by the Chief Clerk of the house in which they originated to the President of the Senate, the Speaker of the House of Representatives, or to the authority memorialized and a copy to our delegate in Congress.

## XVII

When any bill, joint resolution or memorial which shall have passed in one house is rejected in the other, notice of said rejection shall be given to the house which has passed the same.

## XVIII

When a bill, resolution or memorial which shall have passed one house is rejected in the other, it shall not again be introduced during the session without five days notice, and leave of two thirds of the members voting thereon.

## XIX

Each house shall transmit to the other, with any bill, resolution or memorial all papers upon which the same shall be founded.

## XX

When each house shall have adhered to their disagreement, a bill or resolution is lost.

## XXI

When any bill or memorial or resolution is ordered to be printed, a sufficient number of copies shall be printed for the use of both houses, and the quota for each house delivered to its Sergeant-at-Arms.

## XXII

It shall be the duties of the Chief Clerk of the House of Representatives and of the Council, when any document is ordered to be printed in their respective houses forthwith to communicate such order to the other house.

## XXIII

Whenever a joint resolution or memorial shall have passed both houses of the Legislative Assembly, an enrolled copy thereof, duly signed by the

Speaker of the House of Representatives and the President of the Council, shall be filed in the office of the Secretary of the Territory by the Chief Clerk of the house in which the same originated.

On motion of Collins the report was adopted.

Sutherlin offered the following Resolution. Resolved: That the privileges of the floor of the Council be granted to one representative of each newspaper making application therefor; also to agents and members of Press Associations. Also to W. M. Carins, Manager of the Rocky Mountain Telegraph Company and Mr. Day, Manager of the Western Union Telegraph Company. Adopted.

Collins offered the following Resolution. Resolved: That upon the request of any member of the Council, the President may extend the courtesies of the floor for that day, to any sojourning constituent. Adopted.

Collins introduced C.J.R. No. 1, Relating to the pay of additional clerks. Read first and second times.

On motion of Collins, the rules were suspended, the resolution was considered Engrossed, read the third time and passed by the following vote.

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—None.

On motion of Hundley, the Council adjourned until tomorrow at 10 O'Clock A.M.

Reuben L. Davis, Chief Clerk



## FIFTH DAY

Council Chamber, Helena, M.T.  
January 14th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Minutes of fourth day read and approved.

Notices of introduction of Bills were given as follows.

By Rickards, A Bill repealing an Act entitled An Act to provide for licensing commercial travelers Approved July 22nd 1879.

By Waters, A Bill entitled An Act to repeal Section 3 of an Act entitled An Act to provide for licensing commercial travelers Approved July 22, 1879.

By Sutherlin, A Bill for an Act relating to forestry, tree planting and culture.

By Kennedy, A Bill for an Act to amend the Probate practice Act Section 55, Chapter 3, Second Division of the Revised Statutes of Montana.

On motion of Kennedy the Report of the Committee on Joint Rules was referred to the Committee on Printing.

On motion of Rickards, Council took a recess until 11 O'Clock A.M.

11 A.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication was received.

House of Representatives  
15th Session, Montana Legislature  
Helena, M.T., January 14th 1887

Mr. President,

I am directed by the House to inform your Honorable body that C.J.R. No. 1 under suspension of the rules, has passed the House, and the same is herewith transmitted.

Respectfully  
David Marks, Chief Clerk

On motion of Kennedy C.J.R. No. 1 was referred to the Committee on Enrollment.

The following report was received.

Mr. President,

Your Committee on Military Affairs begs leave to report that it has considered that part of the Governor's Message relating to the militia and ap-

proves the recommendations therein made, and that the Committee will in due time report a bill embracing the suggestions of the Governor.

Kennedy, chairman

On motion of Collins, Council took a recess until 2 P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following Reports were received.

Mr. President,

Your Committee on Internal Improvements begs leave to report that it has considered that part of the Governors Message relating to Internal Improvements and approves the recommendations therein made, and that the Committee will in due time report a bill embracing the suggestions of the Governor.

Waters, Chairman

Mr. President,

Your Committee on Enrollment would respectfully report C.J.R. No. 1 providing for extra clerks as correctly enrolled.

Kennedy, Chairman

The following communication was received and referred to the Committee on Mileage.

Territory of Montana  
Secretarys Office  
January 14, 1887

Hon. R. O. Hickman, President of Council,

Sir,

I have the honor to enclose a copy of letter from the Hon. First Comptroller of the Treasury Dept., Washington.

In accordance with it, I would request that the Committee in making out the mileage report, will conform to the enclosed instructions.

Most Respectfully  
Wm B. Webb  
Secretary of Montana

Treasury Department  
First Comptroller's Office  
Washington, D.C.  
November 17, 1886

Hon. Wm B. Webb, Territorial Secretary, Helena, Montana

Sir,

Hereafter in making up your accounts for payment of mileage, you will please give not only the distance traveled, but also the name of the starting point and the routes traveled over. If, for any reason the "usually traveled route" is not taken, an explanation will be necessary.

Respectfully  
M. J. Durham, First Comptroller  
By J. R. Garrison, Deputy First Comptroller

On motion of Waters, Rickard was granted leave of absence until Monday next.

Mr. President announced that he was about to sign C.J.R. No. 1. No objection being made, the resolution was signed.

On motion of Hundley, Council took a recess of 15 minutes.

Council resumed. Mr. President in the Chair.

Roll called—Quorum present.

On motion of Waters, Council adjourned until tomorrow at 10 O'Clock A.M.

Reuben L. Davis, Chief Clerk



## SIXTH DAY

Council Chamber, Helena, Montana  
January 15th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifth day read and approved.

The following communication was received.

House of Representatives, Helena, M.T.  
January 14th 1887

Mr. President,

I am directed to inform your Honorable body that notices of the introduction of bills have been given as follows.

By Blake, A bill for an act concerning the rights of married women. Also,

A bill for an act to authorize the Governor to execute a bond for arms for the militia. Also,

A bill for an act concerning the crime of rape. Also,

House Joint Memorial concerning the timber lands of the United States within the Territory of Montana. Also,

House Joint Memorial concerning the act of Congress entitled "an act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness and for other purposes Approved July 30th 1886."

By Alderson, A bill for the repeal of Sections 198, 199, 200, 201, and 202 Chapter XIII, Title, Miscellaneous Offences, Revised Statutes of Montana.

By Taylor, A bill to amend Section 10 of an act entitled an act for the better protection of live stock interest of the Territory approved March 12th 1885.

By Scobey, A Joint Memorial to the President of the United States concerning the Fort Buford Military Reservation.

By Muth, A bill to amend Chapter 41, Fifth Division, General Laws.

By Page, A bill for an act to establish a Territorial hospital for the insane.

By Hanscom, A bill regarding amendments to the Lien Law.

Bills were introduced as follows.

By Blake, H.B. No. 1—"A bill for an act concerning the crime of rape". Also,

H.B. No. 2—"A bill for an act to authorize the Governor to execute bonds for arms for the militia."

Respectfully  
David Marks, Chief Clerk

The following reports were received.

Mr. President,

Your Committee on Enrollment would report that the Enrolled C.J.R. No. 1 providing for the employment of additional clerks was presented to the Governor for his approval Friday, January 14th 1887 at 3:15 P.M.

Kennedy, Chairman

Mr. President,

Your Committee on Public Lands respectfully states that the portion of the Governor's Message referred to it has been duly considered and that the recommendations therein are most heartily endorsed. Your Committee will at an early date in the session introduce a Memorial to Congress covering the suggestions of his Excellency.

G. L. Batchelder, Chairman

Bills were introduced as follows.

By Waters, C.B. No. 2—"A bill for an act to repeal Section 3 of an act entitled An act to provide for licensing commercial travelers Approved July 22nd 1879."

By Kennedy, C.B. No. 3—"A bill for an act amending the Probate Practice Act, Section 55, Chapter III, Second Division, Revised Statutes of Montana."

C.B. No. 2 was read the first and second times and the rules being suspended, was referred to the Committee on Ways and Means.

C.B. No. 3 was read first and second times, the rules were suspended and the bill was referred to the Committee on Judiciary.

Leave being granted, notices of the introduction of Petition, Joint Resolution and bill were given as follows:

By Hundley, A Petition and Joint Resolution for the relief of George Bashaw, J. H. McFarland and John O'Neill.

By Kennedy, A bill requiring the publication of certain matters, including the proceedings of the Boards of County Commissioners.

On motion Collins, the Council took a recess until 11 A.M.

11 A.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication was received.

Territory of Montana  
Executive Department  
Helena, January 15th 1887

To the Council,

Gentlemen,

I have the honor to inform you that I have this day approved Council Joint Resolution No. 1, Relating to the employment of additional clerks.

Very Respectfully  
S. T. Hauser, Governor

The following Report was received.

Mr. President,

Your Select Committee appointed to ascertain the number of miles necessarily traveled by the members of the fifteenth Legislative Council, in reaching the Capitol and returning to their homes, beg leave to submit the following amended report, that we find the distances traveled to be as follows:

Batchelder, George L.		
Starting Point: Horse Prairie		
Route traveled: Private conveyance		
To Bannack: Coach to Dillon		
thence to Helena by R. R.	400 miles	
Cardwell, Edward		
Starting Point: Mouth of Boulder		
Route traveled: Private conveyance		
To Boulder: Coach to Jefferson		
thence to Helena by R. R.	150 miles	
Collins, Timothy E.		
Starting Point: Fort Benton		
Route traveled: Carriage and		
Coach to Helena	300 miles	
Hickman, Richard O.		
Starting Point: Virginia City		
Route traveled: Carriage and		
Coach to Dillon		
thence to Helena by R. R.		
nearest route via Whitehall		
and Boulder. Impracticable	424 miles	
Holiday, Samuel L.		
Starting Point: Livingston		
Route traveled: Carriage		
and R. R. to Helena	250 miles	
Hundley, Wm B.		
Starting Point: Helena		
No mileage claimed.		
Kennedy, Will		
Starting Point: Missoula		
Route traveled: Carriage		
and R. R. to Helena	254 miles	
Pardee, James K.		
Starting Point: Philipsburg		
Route traveled: Carriage		
and Coach to Drummond		
thence to Helena by R. R.	206 miles	
Rickards, John E.		
Starting Point: Butte		
Route traveled: Carriage		
and R. R. to Helena	214 miles	
Sutherlin, Will H.		
Starting Point: 2 miles		
West of White Sulphur Springs		
Route traveled: Carriage to White Sulphur Springs		
Coach to Townsend		
thence to Helena by R. R.	156 miles	

Thompson, James J.  
Starting Point: 82 miles  
South of Rosebud  
Route traveled: Carriage  
to Rosebud  
thence to Helena by R. R. 872 miles

Waters, Ela C.  
Starting Point: Billings  
Route traveled: carriages R. R.  
to Helena 480 miles

Respectfully submitted  
T. E. Collins  
J. J. Thompson  
G. L. Batchelder  
Committee

On motion of Cardwell, said report was adopted and the Committee discharged.

On motion of Kennedy the Council adjourned until Monday next at 10 O'Clock A.M.

Reuben L. Davis, Chief Clerk

## EIGHTH DAY

Council Chamber, Helena, Montana  
January 17th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of sixth day read and approved.

The following petitions were presented.

By Kennedy, Petitions of residents of Missoula, for enactment of statutes providing for the adequate punishment of crimes against women and girls.

By Kennedy, Petition of residents of Missoula, for local option law in reference to manufacture and sale of intoxicating liquors.

Which were read and ordered to be placed on file until bills on said subjects shall be introduced and then to be referred to appropriate Committees.

Hundley introduced Petition and Joint Resolution No. 2 for relief of George Bashaw, J. H. McFarland and John O'Neill.

The rules were suspended, and on motion of Collins the resolution was read the first and second times and on motion of Collins the petition and resolution were referred to Committee on Ways and Means.

The following report was received.

Mr. President,

Your Committee on Printing would respectfully report C.B. No. 1 to amend Section 529 of the Fifth Division of the Revised Statutes, as correctly printed.

Sutherlin, Chairman

On motion of Kennedy, C.B. No. 1 was referred to the Committee on Elections.

Notices of the introduction of bills were given as follows:

By Rickards, A bill providing for the transfer of certain records relating to Butte City Town site.

By Pardee, A bill for an act in relation to the creation of new counties.

By Pardee, A bill for an act to increase the duties of the Territorial Auditor.

Kennedy introduced C.B. No. 4—"A bill for an act requiring the publication of certain matters".

Read first and second times and referred to Committee on Printing.

The following communication was received.

House of Representatives, Helena, M.T.  
January 15th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills have been given as follows:

By Thompson, A bill for an act relating to an act to protect the wages of "wage workers".

By Kanouse, A bill for an act apportioning members of the Legislative Assembly.

By Holt, A bill to amend Section 1 of an act entitled an act to prevent the branding of cattle during certain seasons of the year Approved March 10th 1885.

By Brown, A bill concerning the sale of intoxicating liquors to the indigent poor. Also,

A bill to amend Section 398 of the Fifth Division of the Revised Statutes and to repeal Section 452 of the same. Also,

A bill concerning road superintendents and defining their duties. Also,

A bill concerning road taxes, the manner of their collection, and disposition.

Respectfully  
David Marks, Chief Clerk

Mr. President announced that in conformity to C.J.R. No. 1 he had employed the following persons as additional clerks for the Council.

For assistant Clerk: Joseph D. Kirby

For Clerk of Committee on  
Ways and Means George R. Healy

For Clerk of Committee on  
Judiciary H. G. McIntire

On motion of Collins the Council took a recess until 2 P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

Rickards gave notice of introduction of a bill relating to deposit of public funds in banks.

The following communication was received.

Territory of Montana  
Secretary's Office  
Helena, Jan. 17th 1887

Hon. R. O. Hickman, President of Council

Sir,

At the request of Prof W. W. Wyle, Supt. of Public Instruction, I herewith hand you the Eighth Annual Report of the Superintendent of Public Instruction of the Territory of Montana.

Very Respectfully  
Wm B. Webb  
Secretary of Montana

On motion of Kennedy the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk

## NINTH DAY

Council Chamber, Helena, Montana  
January 18th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Eighth day read and approved.

Kennedy presented a petition from residents of Missoula County praying for local option law in regard to sale of intoxicating liquors, which was ordered placed on file, pending introduction of a bill on that subject, and then be referred to appropriate committee.

The following Report was presented.

Hon. R. O. Hickman, President of Council,

Your Committee on Ways and Means to whom was referred C.J.R. No. 2, For relief of George Bashaw, J. H. McFarland and John O'Neill, beg leave to report favorably on the same and would recommend its passage.

J. K. Pardee, Chairman

On motion of Kennedy, the rules were suspended, C.J.R. No. 2 was considered engrossed and passed to third reading.

Notices of introduction of bills were given as follows.

By Kennedy, A bill entitled an act to amend Section 1193, Fifth Division of the Revised Statutes of Montana, relating to the running at large of swine.

By Thompson, A bill relating to the payment of jurors and witnesses before the District and Probate Courts. Also,

A bill relating to the assessment and equalization of property and the manner of levying taxes.

Rickards introduced C.B. No. 5—"A bill for an act providing for the transfer of certain records relating to the town site of Butte City" which was read first and second times, and referred to the Committee on Towns and Counties.

The following communications were received.

House of Representatives, Helena, M.T.  
January 17th 1887

Mr. President,

I am directed by the House to inform your Honorable body that Scobey gave notice of a bill to amend Sections 463 and 464 of the Fifth Division of the Revised Statutes.

Bills were introduced as follows:

By Brown, H.B. No. 3—"An act concerning the sale of intoxicating liquors to the indigent poor." Ordered printed. Also,

H.B. No. 4—"An act to amend Section 398, and to repeal Section 452 of the Revised Statutes of Montana." Ordered printed.

By unanimous consent, without having given previous notice, the Committee on Public Lands, introduced H.J.M. No. 1 concerning the repeal of the Desert Land Act of March 3rd 1877. Ordered printed.

Respectfully  
David Marks, Chief Clerk

House of Representatives, Helena, M.T.  
January 17th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills have been given as follows:

By Mantle, A bill for an act entitled an act relating to the registration of voters.

By Toole, A bill amending Section 801, Fifth Division, General Laws relating to license for sale of intoxicating liquors.

Bills were introduced as follows:

By Blake, H.B. No. 5—"A bill for an act concerning the rights of married women." Ordered printed.

By Alderson, H.B. No. 6—"An act to repeal certain Sections of the Fourth Division of the Revised Statutes of Montana." Ordered printed.

David Marks, Chief Clerk

C.J.R. No. 2 was read the third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12

Noes—None.

Title agreed to.

On motion of Sutherlin, Council took a recess until 2 O'Clock P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following report was received.

Mr. President,

Your Committee on Printing beg leave to report Council Bill No. 4 requiring the publication of certain matters as correctly printed.

Sutherlin, Chairman

Notices of the introduction of bills were given as follows:

By Thompson, A bill for an act to amend Article 1 of Chapter XV of the Fifth Division of the Revised Statutes of Montana relating to corporations for industrial or productive purposes.

By Collins, A bill for an act in relation to the taxation of telegraph companies. Also,

To provide for the collection of revenue.

By Waters, A bill entitled an act concerning the Montana library.

The following communication was received.

House of Representatives, Helena, Montana  
January 18th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills were given as follows:

By Harwood, A bill for an act to authorize the organization and incorporation of building and loan associations.

By Kanouse, A bill for an act to amend the salary law.

By Muth, A bill concerning mortgages on real estate and personal property of corporations.

Bills were introduced as follows:

By Scobey, H.B. No. 7—"An Act concerning bonds of Justices of the Peace and Constables". Ordered printed.

By Blake, H.B. No. 8—"An Act concerning the seal of the Territory."

By Kanouse, H.B. No. 9—"A Bill for an act to apportion the members of the Legislative Assembly." Ordered printed.

Blake introduced H.J.M. No. 3, concerning the timber lands of the United States within the Territory of Montana.

House Bill No. 2 has passed the House and is herewith transmitted.

Under suspension of the rules H.B. No. 8 has passed the House and is herewith transmitted.

David Marks, Chief Clerk

H.B. No. 2 was read first and second times and referred to Committee on Military Affairs.

H.B. No. 8 was read first and second times.

On motion of Collins the rules were suspended, the bill was read a third time by its title, and passed by the following vote.

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—None.

On motion of Kennedy the Council adjourned until 10 A.M. Tomorrow.

Reuben L. Davis, Chief Clerk



## TENTH DAY

Council Chamber, Helena, Montana  
January 19th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the ninth day read and approved.

Notices of introduction of Joint Resolution and bill were given as follows:

By Kennedy, A Joint Resolution providing for the printing of additional bills and for other printing.

By Collins, a bill to provide a banking law for Montana.

Bills were introduced as follows:

By Thompson, C.B. No. 6—"A bill for an act to amend Article I of Chapter XV of the Fifth Division of the Revised Statutes of Montana relating to corporations for industrial or productive purposes."

Read first and second times and referred to Committee on Printing.

Waters introduced C.B. No. 7—"A bill for an act concerning the Montana Library."

Read first and second times and on motion of Kennedy, referred to Committee on Judiciary.

Collins introduced C.B. No. 8—"A bill for an act in relation to the taxation of telegraph companies."

Read first and second times and on motion of Collins, referred to Committee on Ways and Means.

Kennedy introduced C.B. No. 9—"A bill for an act to amend Section 1193, Fifth Division, Revised Statutes of Montana."

Read first and second times and referred to Committee on Judiciary.

On motion of Kennedy, C.B. No. 4 was referred to Committee on Towns and Counties.

On motion of Collins, The Report of the Territorial Superintendent of Public Instruction was referred to Committee on Education and Labor.

On motion of Kennedy, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## ELEVENTH DAY

Council Chamber, Helena, Montana  
January 20th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the tenth day read and approved.

Petitions were presented as follows:

By Rickards, Petition of citizens of Lewis and Clarke County for local option law, in reference to manufacture and sale of intoxicating liquors. Also,

Petition from citizens of Lewis and Clarke County for law providing for adequate punishment of crimes against women and girls.

By Cardwell, Petition of C. J. Baronett and others, for passage of memorial for relief of settlers dispossessed of their lands by creation of Yellowstone National Park.

By Kennedy, Petition of citizens of Missoula County for law providing adequate punishment of crimes against women and girls. Also,

Petition of citizens of Missoula County for local option law.

The petitions were ordered placed on file until bills or memorials on said subjects shall be introduced and then to be referred to appropriate committees.

The following Report was presented.

Mr. President,

Your Committee on Federal Relations to whom was referred those portions of the Governor's Message relating to the powers and rights of the Territories under the Act of Congress, Approved July 30th 1886, entitled "An Act to prohibit the passing of local and special laws in the Territories of the United States, to limit Territorial indebtedness, etc."

And those portions of the Message relating to the subject of Memorials to Congress.

Beg leave to report that they have had the same under consideration and your Committee earnestly recommends the passage by this Legislature, of such Memorials to Congress, upon the different subjects referred to in said Message, as will tend to relieve the people of this Territory from the oppressive limitations and restrictions put upon their natural rights to self government, by the passage of the Act of Congress above referred to.

Respectfully Submitted  
Hundley, Chairman

Notices of introduction of bills were given as follows:

By Holliday, a bill for the creation of Park County and other purposes.

By Cardwell, a bill to regulate the fees of County Assessors.

Thompson introduced C.B. No. 10—"A bill for an act concerning payment of jurors and witnesses in Criminal Cases in attendance upon the District and Probate Courts."

Read first and second times and referred to Committee on Printing.

Kennedy introduced C.J.R. No. 3, providing for the printing of additional bills and for other printing.

Read first and second times and on motion of Kennedy, referred to Committee on Ways and Means.

The following communication was received.

House of Representatives, Helena, Montana  
January 19th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills were given as follows:

By Brown, a bill to enable the County of Beaverhead to erect a Court House.

By Muth, a bill to amend Section 3 of an act entitled an act limiting compensation of certain officers named herein.

By Page, a bill for an act regulating gambling.

By Alderson, a Joint Resolution providing for payment for printing resolutions, memorials, etc., not provided for by the General Government and for such daily papers as are published in the Capital as may be necessary for the members of the Legislative Assembly. Also,

A bill to provide the public schools of the Territory with Websters unabridged dictionary.

Bills were introduced as follows:

By Holt, H.B. No. 11—"To amend Section I of an act to prevent the branding of cattle during certain seasons of the year."

By Kanouse, H.B. No. 12—"A bill for an act to amend an act entitled an act limiting compensation of certain officers herein named."

By White, H.B. No. 13—"An act to prevent the sale of intoxicants in variety theatres."

H.B. No. 1 and C.J.R. No. 2 have passed the House and transmitted.

David Marks, Chief Clerk

H.B. No. 1 was read first and second times and with petitions on file on the same subject, referred to the Committee on Education and Labor.

C.J.R. No. 2 was on motion of Kennedy referred to Committee on Enrollment.

By consent the following Report was received:

Mr. President,

Your Committee on Towns and Counties to which was referred C.B. No. 4, requiring the publication of certain matters begs leave to report the bill back with the recommendation that it pass with the following amendments:

In Section 3, line 4, (line 5, printed bill) strike out the words "warrants allowed" and insert in lieu thereof the words "Bills allowed and warrants ordered drawn therefor".

In Section 3, line 5, (line 6, printed bill) strike out the words "to whom the warrant is issued" and insert in lieu thereof the words "in whose favor said bill is allowed".

Also in the same line strike out the words "the cause of the issuance of such warrant" and insert in lieu thereof the words, "the nature of the services or materials for which such bill is allowed".

In Section 3, line 6, (line 7, printed bill) strike out the word "warrant" and insert in lieu thereof the word "bills".

In Section 3, line 8, (line 9, printed bill) strike out the word "warrants" and insert in lieu thereof the word "bill".

In Section 4, line 4, (line 5, printed bill) insert after the word, "counties" the words "for the fiscal year preceding March 1st".

In Section 4, make the Fifth Sub. section, the first, and change the numbers of the other Sub-sections accordingly.

Cardwell, Chairman

On motion of Kennedy, the Report and bill were placed upon general orders.

Waters, on account of sickness in his family, was granted leave of absence until Monday next.

On motion of Kennedy, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## TWELFTH DAY

Council Chamber, Helena, Montana  
January 21st 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Eleventh day read and approved.

The following Reports were presented.

Mr. President,

Your Committee on Enrollment to which was referred C.J.R. No. 2 for the relief of George Bashaw, J. H. McFarland and John O'Neill begs leave to report said Resolution correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Printing to which was referred C.B. No. 6—"To amend Article I, Chapter 15, Fifth Division, Revised Statutes of Montana, relating to corporations for industrial or productive purposes" would respectfully report said bill as correctly printed, but that the original bill has been returned by the printer in such a mutilated condition as to make it unfit for use and would therefor recommend that one of the printed bills be adopted as the original bill and that the Chief Clerk be instructed to make the proper endorsements thereon.

Sutherlin, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred C.J.R. No. 3, providing for the printing of additional bills, and for other printing, have had the same under consideration and beg leave to report it back with the recommendation that it pass.

Waters, for the Committee

On motion of Kennedy, the Report of the Committee on Printing was adopted.

On motion of Thompson, C.B. No. 6 was referred to the Committee on Corporations.

Kennedy gave notice of introduction of a bill providing for the posting of estrays in this Territory.

Holliday introduced C.B. No. 11—"A bill for an Act to create the County of Park and for the election of officers thereof."

Read first and second times and referred to Committee on Towns and Counties.

On motion of Kennedy, the rules were suspended, C.J.R. No. 3 was considered engrossed and ordered placed on file for third reading.

The following communication was received.

House of Representatives, Helena, M.T.  
Jan. 20th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices were given as follows:

A Joint Memorial to Congress asking that the Indian Commissioners, Messrs. J. V. Wright, J. W. Daniell and C. F. Larabie, at present negotiating and treating with the various Indian tribes of Northern Montana under the provisions of an act of Congress entitled "An act making appropriation for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30th 1887, and for other purposes, approved May 15th 1886" be directed to extend their negotiations under the provisions of said act, to the tribe of Crow Indians, situated South of the Yellowstone River in Southern Montana.

By Hoffman, a bill concerning the improvement of the law library of the Territory of Montana.

Bills were introduced as follows:

By Alderson, H.B. No. 14—"An act to provide the Public Schools of the Territory with Webster's unabridged Dictionary". Ordered printed.

By Blake, H.B. No. 15—"An act concerning the times of holding terms of the Supreme Court." Ordered printed.

Alderson introduced H.J.R. No. 1, providing for the payment of printing, etc., not provided for by the General Government.

The Speaker has signed H.B. No. 8—"Concerning the seal of the Territory".

Respectfully  
David Marks, Chief Clerk

C.J.R. No. 3 was read the third time and passed by the following vote.

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson and Mr. President - 10.

Noes—None.

Absent—Pardee and Waters.

Title agree to.

The President announced signing C.J.R. No. 2.

There being no objection, the Resolution was signed.

On motion of Collins the Assistant Clerk was directed to act as Clerk for the Committee of the Whole when requested by the Chairman.

The Council resolved itself into Committee of the Whole for the consideration of C.B. No. 4.

Hundley in the Chair.

Council resumed. Mr. President in the Chair.

Hundley, Chairman of Committee of the Whole, reported progress and requested further time in which to report.

The Chair announced signing H.B. No. 8.

There being no objection, the bill was signed.

The following communication was received.

Territory of Montana  
Executive Department, Helena  
January 21st 1887

To the Council,

Gentlemen,

I have the honor to inform you that I hereby nominate and with your consent, will appoint and commission Herbert Holleway of Deer Lodge County to be Territorial Veterinary Surgeon.

Very Respectfully  
S. T. Hauser, Governor

Collins moved that said communication be acted upon in open session.  
Carried.

On motion of Collins, the communication was referred to the Committee on Grazing and Stock Raising, who were instructed to report as fully and as soon as possible.

On motion of Kennedy, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## THIRTEENTH DAY

Council Chamber, Helena, Montana  
January 22nd, 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of twelfth day read and approved.

The following petitions of citizens of Silver Bow County were presented by Rickards:

Petition for enactment of law providing adequate punishment for crimes against women and girls. Also,

Petition for local option law in relation to manufacture and sale of intoxicating liquors.

Ordered placed on file to be referred to appropriate Committees.

The following reports were received.

Mr. President,

Your Committee on Towns and Counties to whom was referred C.B. No. 11—Entitled "An act to create the County of Park and for the election of officers thereof" have had the same under consideration and beg leave to report the bill back with the recommendation that it do pass.

Cardwell, Chairman

Mr. President,

Your Committee on Judiciary to which was referred Council Bill No. 3—"Amending Section 55 of the Probate Practice Act", has had the same under consideration.

The existing law gives creditors preference over the Public Administrators in granting letters of administration on estates of persons dying intestate. This bill seeks to reverse this order and gives Public Administrators preference over creditors. The bill also seeks to amend the existing law by providing that if no petition for letters is made on or before the first day of the second term of the Court by any of the persons entitled thereto under the law, that then the Judge shall issue letters to the Public Administrator, who shall proceed to administer the estate as provided by law. The Committee believes the two amendments tend to perfect the existing law and therefore recommends that the bill be adopted.

T. E. Collins, Chairman

Mr. President,

Your Committee on Printing respectfully report C.B. No. 10—entitled "An act concerning payment of jurors and witnesses in Criminal Cases in attendance upon the District and Probate Courts" as correctly printed.

Sutherlin, Chairman

Mr. President,

Your Committee on Education and Labor to whom was referred that part of the Governor's Message relating to "Public Schools" beg leave to most respectfully report:

With all due respect to the Governor, we think it impracticable to ask the Government for an advance of a half million dollars on our school lands, as he suggests. However your Committee will soon present to this body a memorial to Congress asking that the surveyed school lands be turned over to the Territory for immediate use.

The introduction of training in manual labor in our public schools and the establishment of a Normal school as suggested by the Governor are both good measures; while we hope some way can be provided by which his suggestions can be carried out, it is our judgement that it is not advisable to attempt either, until we can make some disposition of our school lands.

J. E. Rickards, Chairman

Mr. President,

Your Committee on Education and Labor to whom was referred the Report of the Territorial Superintendent of Public Instruction would most respectfully submit they have duly considered said Report and in due time Bills covering such recommendations as meet our approval will be offered.

J. E. Rickards, Chairman

Mr. President,

Your Committee on Education and Labor to whom was referred H.B. No. 1—"A Bill for an Act concerning the crime of rape" beg leave to make a majority report. Reports are hereby appended.

J. E. Rickards  
W. H. Sutherlin

Mr. President,

The undersigned constituting a majority of your Committee on Education and Labor to whom was referred H.B. No. 1—"A Bill for an Act concerning the crime of rape" do most respectfully report we have had the same under consideration and report it back with amendments hereto attached and with the recommendation that as amended it do pass.

J. E. Rickards  
W. H. Sutherlin

Amendments offered in majority report of Committee on Education and Labor on H.B. No. 1—"A Bill for an Act concerning the crime of rape" Section 46 on line 13 after the word "person" shall be added the words "of the age of sixteen years or over".

On line 16, same Section, the word "fifteen" to be stricken out and in lieu thereof the word "sixteen" to be added. That the last word on line 19 "for" and the first word on line 20 "life" be stricken out and in lieu thereof shall be added the following "for a term of not less than five years and which may be extended to twenty years".

J. E. Rickards  
W. H. Sutherlin

Mr. President,

The minority of your Committee on Education and Labor, to which Committee was referred H.B. No. 1, concerning the crime of rape, begs leave to report said bill back with the recommendation that it do pass with the following amendments.

In line 13 (third line, Section 46, printed bill) after the word "person" insert the words "of the age of sixteen years or over".

Also strike out the word "life" in line 20 (line 5, Section 46, printed bill) and insert in lieu thereof the words "a term of not less than five years and which may be extended to twenty years".

Kennedy

On motion of Kennedy H.B. No. 1 and C.B. No. 3 were placed on general orders, for consideration of Committee of Whole.

Notice of introduction of bills were given as follows:

By Collins, a bill for an act providing for the punishment of persons in the possession of stolen property in the Territory of Montana, having stolen the same in another State, Territory or Country and for the punishment of receivers of stolen property in certain cases.

By Kennedy, a bill in relation to fencing railroads and erection of cattle guards.

By Collins, a bill providing for the creation of the office of Public Examiner in the Territory of Montana and defining his duties.

Bills were introduced as follows:

By Kennedy, C.B. No. 12—"An Act to provide for the posting of estrays in this Territory."

Read first and second times and referred to Committee on Printing.

By Rickards, C.B. No. 13—"A bill for an Act authorizing the deposit of public funds in banks."

Read first and second times and referred to Committee on Printing.

On motion of Kennedy, C.B. No. 10 was referred to Committee on Judiciary.

The following communication was received from the House.

House of Representatives, Helena, M.T.  
January 21, 1887

Mr. President,

I am directed to inform your Honorable body that notices were given as follows:

By Buskett, a bill for the relief of A.J. Davidson and Wm N. Baldwin.

By Alderson, a Memorial asking Congress for a suitable appropriation for the purpose of constructing a permanent wagon road from Gardner or Mammoth Springs to or near Cooke City, Montana.

Bills were introduced as follows:

By Brown, H.B. No. 16—"An Act concerning Road Superintendents and defining their duties." Ordered printed. Also,

H.B. No. 17—"An Act to enable the County of Beaverhead to build a Court House."

By Blake, H.B. No. 18—"A bill for an act to amend an act concerning the power of corporations to own land." Ordered printed.

By Hoffman, H.B. No. 19—"An Act for the purpose of appropriating money for the improvement of the Law Library of the Territory of Montana." Ordered printed.

By Page, H.B. No. 20—A bill for an act to establish a hospital for the insane." Ordered printed.

The Speaker has signed C.J.M. No. 2. H.J. Memorials No's. 1, 2, 3, 4 and 5 have passed the House and they are herewith transmitted.

Respectfully  
David Marks, Chief Clerk

H.J.M. No. 1 was read first and second times and referred to Committee on Public Lands.

H.J.M. No. 2 was read first and second times and referred to Committee on Military Affairs.

H.J.M. No. 3 was read first and second times and referred to Committee on Public Lands.

H.J.M. No. 4 was read first and second times and referred to Committee on Federal Relations.

H.J.M. No. 5 was read first and second times. On motion of Kennedy, the rules were suspended and the H.J.M. No. 5 was placed on file for third reading. Read third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson and Mr. President - 10.

Noes—None. Absent—Pardee and Waters - 2.

Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Hundley in the Chair.

Council resumed. Mr. President in the Chair.

Hundley, Chairman of Committee of the Whole, reported having had under consideration C.B. No. 4 and asked further time in which to prepare and present the report of said committee which was granted.

On motion of Rickards the Council took a recess until 2 P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

On motion of Kennedy the Council resolved itself into Committee of the Whole for the consideration of general orders. Collins in the Chair.

Council resumed. Mr. President in the Chair.

The following reports were received.

Mr. President,

The Committee of the Whole, has had under consideration House Bill No. 1 and the Chairman has been instructed to report the bill back to the Council

with the recommendation that the bill do pass as amended by the majority of the Committee on Education.

Collins, Chairman

Mr. President,

The Committee of the Whole has had under consideration C.B. No. 11—"An Act to create the County of Park and for the election of officers thereof". It recommends to the Council that the bill be referred to the Judiciary Committee for further consideration.

Collins, Chairman

Mr. President,

The Committee of the Whole has had consideration of C.B. No. 3 and the Chairman has been instructed to recommend the passage of the bill without amendment.

Collins, Chairman

On motion of Kennedy, H.B. No. 11 was referred to the Committee on the Judiciary; and,

C.B. No. 3 and the amendments to H.B. No. 1 were referred to Committee on Engrossment.

On motion of Kennedy, the Council adjourned until Monday next at 10 A.M.

Reuben L. Davis, Chief Clerk



## FIFTEENTH DAY

Council Chamber, Helena, M.T.  
January 24th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of thirteenth day read and approved.

Rickards presented petition of 469 residents of Silver Bow County, praying that in all places of public entertainment, theatrical musicals, variety, or by whatever name denominated, no private boxes or places partitioned off by curtains should be allowed, except in a legitimate theater where four boxes may be permitted.

That in no case any intoxicating liquors, spirits, wines, beer or ale should be sold or given to the occupants of such boxes.

That all places where entertainments are given, whether admission fee is charged or not, should pay license.

That women who appear in semi-nudity or in "character dresses" be precluded from the auditorium of places of public resort, and for prohibiting employment of women in public drinking resorts.

Referred to Committee on Education and Labor, with instructions to prepare and introduce a bill concerning said matters.

The following Report was received:

Mr. President,

Your Committee on Military Affairs to which was referred H.B. No. 2—"A bill for an act to authorize the Governor to execute bonds for arms for the militia" and H.J.M. No. 2 concerning the Ft. Buford Military Reservation, begs leave to report them back with the recommendation that they do pass.

Kennedy, Chairman

Notices of the introduction of bills were given as follows:

By Kennedy, a bill to provide for a Territorial Board of Arbitration for the settlement of difference between employers and their employees.

By Holliday, a bill for the relief of A.W. Tanner.

By Sutherlin, a bill for an act to amend Section 371 of the Fifth Division of the Revised Statutes, by adding a clause thereto relative to the transfer of the moneys of the poor fund. Also,

A bill for an act to restrict the duties of County Clerks, Probate Judges, and Justices of the Peace.

Collins introduced C.B. No. 14—"A bill for an act providing for the punishments of persons in the possession of stolen property in the Territory of Montana, having stolen the same in some other Territory, State or Country and for the punishment of receivers of stolen property."

Read first and second times and referred to Committee on Printing.

Kennedy introduced C.B. No. 15—"An Act in relation to fencing rail roads and erection of cattle guards."

Read first and second times and referred to Committee on Printing.

Collins introduced C.B. No. 16—"A bill for an act concerning banks and banking."

Read first and second times and on motion of Collins, referred to Committee on Incorporations.

H.B. No. 1 was on motion of Kennedy withdrawn from Committee on Engrossment and on motion of Collins, placed on general orders.

The following communication was received.

House of Representatives, Helena, M.T.  
January 22nd 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices were given as follows:

By Hanscom, a bill for an act for the safety of miners.

By Buskett, a bill to repeal sections 2 and 3 of an act entitled an act to provide for the collection of special Poor Tax approved February 15, 1883.

By Kanouse, a bill for an act to secure watering places for stock.

Buskett introduced H.B. No. 21—"An Act for the relief of A.J. Davidson and Wm N. Baldwin." Ordered printed.

The Committee on Public Lands introduced H.J.M. No. 6, Relating to the extension of public surveys.

H.B. No. 11 has passed the House and the same is herewith transmitted.

The Governor has approved H.B. No. 8.

David Marks, Chief Clerk

H.B. No. 11 was read first and second times and referred to Committee on Grazing and Stock raising.

Hundley, on leave, presented the following report.

Your Committee of the Whole, who have had under consideration C.B. No. 4—"Requiring the Publication of Certain Matters", beg leave to Report, recommending that it do pass with the following amendments. In Section 1, line 8, printed bill, by inserting after the word "therefor" as follows:

Said statement shall also show in detail from personal knowledge and from the records of his office the names of parties doing business without a license, the nature of said business, and the place where conducted. The Commissioners shall also add to said list for publication, the names of such other persons as they may know are doing business in the County without a license.

And, if at the next regular meeting, the Treasurer has not collected such licenses, or proceeded so to do as provided by law, or given good reasons why the same have not been collected, the Commissioners shall deduct the amounts of such licenses from the salary of said Treasurer.

In Section 2, line 3, after the word "same" by inserting the words "or a synopsis thereof".

In Section 2, line 6, printed bill, after the word "published" add "And provided further, that preference shall be given to one of the papers published at the County seat, in publication of the matter mentioned in this Section."

In Section 3, line 1, printed bill, strike out the words "and Recorder".

Same Section, line 5, printed bill, strike out the words "warrants allowed" and insert in lieu thereof the words, "bills allowed and warrants ordered drawn therefor".

Same Section, line 6, printed bill, strike out the words "to whom the warrant is issued" and insert in lieu thereof, the words "in whose favor said bill allowed".

Also in same line, strike out the words "the cause of the issuance of such warrant" and insert in lieu thereof, the words "the nature of the services or the materials for which such bill is allowed".

Same Section, line 7, printed bill, strike out the word "warrants" and insert in lieu thereof, the word "bills".

Same Section, line 9, printed bill, strike out the word "warrant" and insert in lieu thereof the word "bill".

Same Section, line 10, printed bill, after the word "published" add "And provided further, that preference shall be given to one of the papers published at the County seat in the publication of the matter mentioned in this Section."

In Section 4, strike out the first five lines, printed bill and substitute the following, "It shall be the duty of the County Treasurer, of each County in the Territory to make out and present to the County Commissioners of their respective Counties at the regular Spring term in each year a full and complete statement of the financial condition of their respective Counties for the fiscal year preceding March 1st which statement shall show:

First. Just the amount of moneys, if any, on hand as shown by the statement of the previous year.

Second. The amount of moneys received by the Treasurer for taxes upon real and personal property.

Third. The amount of moneys received by him for fines, penalties and forfeitures.

Fourth. The amount of moneys received by him for licenses.

Fifth. The amount of moneys received from all other sources.

Seventh. Said statement shall show also the assessed valuation of all real and personal property for that year, the rate of taxation, the assessed valuation of all real and personal property on which taxes have not been paid, the total delinquent taxes for that year and for each three preceding years.

On motion of Kennedy, the Committee rose with instructions to Report back to Council C.B. No. 4 as amended in Committee of the Whole, with recommendation that it pass as amended. Carried.

Hundley, Chairman

On motion of Kennedy, the report was amended by inserting therein after the word "years" the words "In Section 7," first line (printed bill), after the word "Clerk" strike out the words "and Recorder"; the report as amended was adopted and the bill was referred to the Committee on Towns and Counties.

Collins, on leave, presented the following Report.

Mr. President,

The Judiciary Committee to which was referred C.B. No. 9 begs leave to report the same back for the action of the Council without recommendation.

Respectfully  
Collins, Chairman

C.B. No. 9 was placed on general orders.

On motion of Collins, H.B. No. 1 was taken from general orders and brought before the Council for action.

Kennedy moved to amend by inserting after the word "child" in line 15, line 4 of printed bill, the words "of chaste character", which motion after discussion was withdrawn.

On motion of Hundley, H.B. No. 1 was referred to Committee on Judiciary.

On motion of Kennedy, the Council resolved itself into Committee of the Whole, for the consideration of general orders.

Collins in the Chair.

Council resumed. Mr. President in the Chair.

The following Reports were received.

Mr. President,

The Committee of the Whole have considered C.B. No. 9 and recommends it back to the Council for adoption.

Collins, Chairman

Mr. President,

The Committee of the Whole, has considered H.J.M. No. 2 and has requested that the same be reported back to the Council with recommendation that it pass.

Collins, Chairman

Mr. President,

The Committee of the Whole have considered H.B. No. 2 and have instructed its Chairman to report the same back with recommendation that it do pass.

Collins, Chairman

On motion of Kennedy, C.B. No. 9 was referred to Committee on Engrossment.

H.B. No. 2 and H.J.M. No. 2 were passed to third reading.

On motion of Collins, Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk

## SIXTEENTH DAY

Council Chamber, Helena, Montana  
January 25th 1887

Council met at 10 A.M. pursuant to adjournment.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifteenth day was read and approved.

Sutherlin presented petition of citizens of Meagher County for law prohibiting women and minors from being employed in public drinking resorts, etc., which was filed to be referred to appropriate Committee.

The following reports were received:

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 3—"Amending the Probate Practice Act, Section 55, Chapter 3, Second Division of the Revised Statutes of Montana" beg leave to report that they have examined the same and find it correctly engrossed.

Holliday, Chairman

C.B. No. 3 was ordered placed on file for third reading.

Mr. President,

Your Committee on Enrollment begs leave to report that C.J.R. No. 2 was presented to the Governor for his approval at 12 M. Jan. 24, 1887.

Kennedy, Chairman

Mr. President,

Your Committee on Grazing and Stock-growing to whom was referred H.B. No. 11 have had the same under consideration and report the same back with recommendation that it do pass.

Hundley, Chairman

H.B. No. 11 was placed on general orders.

Notices of introduction of bills were given as follows:

By Rickards, a bill for an act to punish seduction.

By Kennedy, a bill to amend an act amending Section 873 of the Fifth Division of Revised Statutes, concerning records of mining locations approved March 5th 1883.

By Hundley, a bill to amend an act to provide for the Compensation of Counsel in certain criminal cases.

Bills were introduced as follows:

By Holliday, C.B. No. 17—"A bill for the relief of A.W. Tanner."

Read first and second times and referred to Committee on Ways and Means.

The following communication from the House was received:

House of Representatives, Helena, M.T.  
January 24th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices were given as follows:

By Taylor, a bill to annex to School District No. 8, Lewis and Clarke County, a certain portion of School District No. 1, Choteau County.

By Page, a bill for an act to amend Section 310, Article 3, Page 469, Revised Statutes of Montana 1879.

Bills were introduced as follows:

By Buskett, H.B. No. 22—"An Act to repeal Sections 2 and 3 of an act entitled an act to provide for the collection of a special poor tax approved Feby 15th 1883." Ordered printed.

By Hanscom, H.B. No. 23—"An Act to secure to miners greater safety." Ordered printed.

By Muth, H.B. No. 24—"An Act concerning mortgages upon real and personal property." Ordered printed.

H.B. No. 4 was read a third time and lost.

H.B. Nos. 3, 5, 10 and H.J.R. No. 1 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

H.B. No. 3 was read the first and second times and referred to Committee on Towns and Counties.

H.B. No. 5 was read the first and second times and referred to Committee on Judiciary.

H.B. No. 10 was read the first and second times and referred to Committee on Education and Labor.

H.J.R. No. 1 was read the first and second times and referred to Committee on Ways and Means.

H.J.M. No. 2 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

H.B. No. 2 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

On motion of Hundley, Pardee was granted leave of absence during his present sickness, from the date of commencement there.

C.B. No. 3 was read the third time. By unanimous consent, the title of the bill was amended so as to read as follows: "An Act amending the Probate practice act, Section 55, Chapter III, Second Division, Revised Statutes of Montana."

And the bill was passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—None. Absent Pardee.

On motion of Kennedy the Council resolved itself into Committee of the Whole for the consideration of general orders. Kennedy in Chair.

Council resumed. Mr. President in the Chair.

The following Report was received.

Mr. President,

Your Committee of the Whole to whom was referred H.B. No. 11—"To amend Section 1 of an act to prevent the branding of cattle during certain seasons of the year" begs leave to report the bill back with the following amendments.

In Section One, strike out the words "15th day of November" and substitute therefor the words "1st day of December".

Also strike out Section Two of the bill.

And the Committee further recommend that the bill as amended do pass:

Kennedy, Chairman

On motion of Kennedy the amendments to H.B. No. 11 recommended in the Report of the Committee of the Whole, were adopted, and the bill as amended was referred to the Committee on Engrossment.

On motion of Collins, the Council adjourned until tommorow at 10 A.M.

Reuben L. Davis, Chief Clerk



## SEVENTEENTH DAY

Council Chamber, Helena, M.T.  
January 26, 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of sixteenth day read and approved.

Mr. President announced signing H.J.M. No. 5. No objection being made the same was signed.

Petitions for passage of laws prohibiting the employment of women and minors in places where intoxicating liquors, etc., are sold were presented as follows:

By Waters, Petition of citizens of Dawson County.

By Rickards, Petition of citizens of Silver Bow County.

By Kennedy, Petition of citizens of Missoula County.

Ordered placed on file to be referred to appropriate committee.

The following reports were received.

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 9—"A bill for an act to amend Section 1193, Fifth Division, Revised Statutes of Montana, concerning swine running at large" beg leave to report that they have examined the same and find it correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Engrossment, to whom was referred H.B. No. 11—"An Act to amend Section 1 of an act entitled an act to prevent the branding of cattle during certain seasons of the year, approved March 10th 1885" beg leave to report that they have examined the same and find the amendments thereto correctly Engrossed.

Holliday, Chairman

Mr. President,

Your committee to whom was referred C.B. No. 11—"An act to create the county of Park, and for the election of the officers thereof" beg leave to report that they have carefully examined its provisions and have found that they are essentially those contained in all the bills creating counties in this Territory for the past seven years. It has been intimated, however, that under the act of Congress approved July 30, 1886, commonly known as the restrictive act, it is not within the power of the legislature to pass bills of the nature of the one under consideration; we have therefore deemed it our duty to examine the provisions of said act of Congress as closely as the time at our disposal would allow. It is apparent from the general power conferred on the Legislature by the Organic Act that unless directly prohibited by this late act of Congress, the

Legislature has as full power to pass any and all laws as it ever had. Within the general power of the Legislature the creation of new counties is unquestionably contained, and unless it can be shown affirmatively that this power is withheld by the restrictive act it undoubtedly still exists. If inquiry on the subject leads merely to a doubt of the power, the doubt is in favor of the legislative right. We do not think that a careful reading of the provisions of said act will show anything that in any manner interferes with the legislative power in this matter. Special legislation as regards certain specified things is prohibited, and, of course, no one can doubt that legislation on any of these is unlawful; special legislation in general, however, is not prohibited by that act. In other than the cases enumerated wherever a general law cannot be made applicable the legislature has still the undoubted power to pass special or local acts; in fact this power is unmistakably contained in the act itself. If a general law cannot be made applicable to a particular case then a special law is authorized by the act, and whether a general law can be made applicable is unquestionably, by the weight of authority of the various courts of the United States wherein similar constitutional provisions exist, a question directed solely to the legislative discretion and sense of duty. In fact whether counties could be established by a general law so as to meet the exigencies of each particular case is extremely doubtful, perhaps impossible. We are therefore of the opinion that the end sought can be attained by the legislature in any of the customary methods. It cannot be claimed that the acts of Congress relating to the Territories have any greater force or scanty than the constitution of a State, yet similar restrictions to those we have on legislative power have repeatedly been held not to prohibit acts not directly inhibited. In fact, it has been held by some of the ablest courts in the Union that acts incorporating counties and fixing their boundaries are matters of public policy, and therefore public and not special acts. This view, it may be observed, has been approvingly cited in a late decision of the Supreme Court of the United States.

In only three of the States of the Union have we been able to find constitutional prohibitions against creating new counties. They are all old States, in which local interests probably caused the insertion of the clause. Under fully as restrictive provisions as those we have, we find the creation of new counties still going on in the growing commonwealths of the West, and we see no reason why an exception thereto should be made in Montana.

Much has been said about the injustice of the restrictions contained in section 1 of the act of Congress, but it may be observed that like provisions are contained in the constitutions of many of the States, and even in the constitution of the future State of Montana the same can be found, Art. IV., Sec. 26.

To conclude, your committee being of the opinion that the bill under consideration is not in conflict with the provisions of any act of Congress, recommend that the same be adopted.

All of which is respectfully submitted.

T.E. Collins, Chairman

Mr. President,

The Judiciary Committee to which was referred C.B. No. 10—A bill for "An Act concerning payment of Jurors and Witnesses in criminal cases in attendance upon the District and Probate Court" have considered the same.

The bill meets with our hearty approval, and we recommend that it be passed by the Council.

T.E. Collins, Chairman

Mr. President,

Your Committee on Federal Relations to whom was referred H.J.M. No. 4 have had the same under consideration and beg leave to recommend that the Memorial do pass.

Hundley, Chairman

Mr. President,

Your Committee on Printing begs leave to report C.B. No. 15—"An act in relation to fencing Railroads and erection of cattle guards" as correctly printed.

Sutherlin, Chairman

Mr. President,

Your Committee on Printing begs leave to report C.B. No. 14—"A bill for an act providing for the punishment of persons in the possession of stolen property in the Territory of Montana, having stolen the same in another State, Territory or Country and for the punishment or receivers of stolen property in certain cases" as correctly printed.

W.H. Sutherlin, Chairman

Mr. President,

Your Committee on printing begs leave to report C.B. No. 13—"A bill for an act authorizing the deposit of public funds in Banks" as correctly printed.

Sutherlin, Chairman

Mr. President,

Your Committee on Printing begs leave to report C.B. No. 12—"An Act providing for the posting of estrays in this Territory" as correctly printed.

Sutherlin, Chairman

C. Bills Nos. 9 and 11 were placed on file for third reading.

C.B. No. 10 and H.J.M. No. 4 were placed on general orders.

C.B. No. 15 on motion of Kennedy, referred to Committee on Agriculture and Manufactures.

C.B. No. 14 was referred to Committee on the Judiciary.

C.B. No. 13 was referred to Committee on Ways and Means.

C.B. No. 12 was, on motion of Kennedy, referred to Committee on Agriculture and Manufactures.

Bills were introduced as follows:

By Cardwell, C.B. No. 18—"A bill for an act in relation to fees of County Assessors." Read first and second times and referred to Committee on Printing.

By Hundley, C.B. No. 19—"A bill for an act to amend an act to provide for counsel in certain Criminal cases, approved February 23rd 1881." Read first and second times and referred to Committee on Printing.

By Sutherlin, C.B. No. 20—"A bill for an act to amend Section 371 of the Fifth Division of the Revised Statutes." Read first and second times and referred to Committee on Printing.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
January 25th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills have been given as follows:

By Hanscom, a bill entitled an act to secure persons and animals from danger.

By Mantle, a bill for an act to establish the office of Commissioner of Mines.

By Gorham, a bill for an act to amend an act relative to bounty for killing certain animals.

By Buskett, a bill for the organization of independent graded school districts within the Territory of Montana.

Bills were introduced as follows:

By the Judiciary Committee, H.B. No. 25—"A bill for an act defining compensation for County officers." Ordered printed.

By Buskett, H.B. No. 26—"An act to provide for the registration of the names of electors and to prevent frauds at Election." Ordered printed.

By Page, H.B. No. 27—"A bill for an act to regulate gambling." Ordered printed. Also,

H.B. No. 28—"A bill for an act to amend Section 310, Article 3, page 469, Revised Statutes of Montana." Ordered printed.

By Mantle, H.B. No. 29—"A bill for an act in relation to railroad corporations." Ordered printed.

By Kanouse, H.B. No. 30—"A bill for an act to secure watering places for stock." Ordered printed.

Mr. Speaker has signed H.J.M. No. 5.

The following resolution has been adopted by the House:

Resolved: That a Committee to consist of three from the House and two from the Council, to constitute a joint committee, be appointed to visit the Territorial Law and miscellaneous libraries and ascertain what appropriation may be needed by said libraries for the purchase of books, printing, etc., and what books may be needed to complete the sets of books in said libraries and to report such further legislation, in respect to said libraries, as to them may seem proper.

(copy)

Marshall

That in conformity with the foregoing, Mr. Speaker appointed as a Committee on the part of the House, Messrs. Marshall, Spaulding and Harwood.

David Marks, Chief Clerk

Kennedy moved that the resolution adopted by the House in regard to the Territorial Law and Miscellaneous Libraries, as contained in the foregoing communication be adopted.

Which was carried and Kennedy and Collins were appointed a Committee on the part of the Council, to act jointly with the House Committee in regard to said matter.

H.B. No. 11 was read the third time and passed as amended by the following vote.

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—None. Title agreed to.

C.B. No. 9 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—Collins - 1. Title agreed to.

C.B. No. 11 was read the third time and passed by the following vote.

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Pardee, Rickards, Thompson, Waters and Mr. President - 11.

Noes—Sutherlin - 1. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of the general orders. Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

Your Committee of the Whole, to which was referred H.J.M. No. 4—"Concerning the Congressional Restriction Act" and C.B. No. 10—"Concerning payment of jurors and witnesses in criminal cases" begs leave to report, recommending the passage of C.B. No. 10 and asking further time for consideration of H.J.M. No. 4.

Kennedy, Chairman

On motion of Kennedy, C.B. No. 10 was referred to the Committee on Engrossment and the Committee of the Whole were granted further time for consideration of H.J.M. No. 4.

On motion of Collins, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## EIGHTEENTH DAY

Council Chamber, Helena, Montana  
January 27th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of seventeenth day read and approved.

Petitions were presented as follows:

By Rickards, Petition of citizens of Silver Bow County for law prohibiting employment of women and minors in public drinking resorts.

By Sutherlin, Petition of citizens of Diamond City for law to increase license for gambling.

By Kennedy, Petition of citizens of Missoula County for local option law. Also—Petition for law for protection of women.

By Hundley, from citizens of Lewis and Clarke County, Petition for local option law and for protection of women.

Ordered filed to be referred to appropriate Committees.

The following communication from the Governor, together with accompanying petition of residents of Sun River, for relief of certain Cree Indians, were received.

Territory of Montana  
Executive Department  
Helena, January 27, 1887

To the Council and House of Representatives,  
Gentlemen,

I beg to submit herewith a petition from citizens at Sun River, in reference to the condition of certain Indians on Willow Creek between the north and south branches of Sun River.

From the character of the citizens making the representations and also from private information, I have no doubt but that the statements therein contained are correct and I would respectfully recommend that your honorable bodies appropriate from three to five hundred dollars for their support until such time as the general government can provide for them.

Very Respectfully  
S.T. Hauser, Governor

The communication and petition were on motion referred to the Committee on Indian Affairs.

The following Reports were received.

Mr. President,

Your Committee to whom was referred Council Bill No. 10—Relating to the payment of jurors and witnesses in Criminal Cases in attendance upon the District and Probate Courts" beg leave to report that they have examined the same and find it correctly engrossed.

Holliday, Chairman

Mr. President,

The Judiciary Committee has carefully considered H.B. No. 1—"An Act concerning the crime of rape" begs to present a substitute therefor, and recommends that the same be adopted in lieu of the original bill.

T.E. Collins, Chairman

Mr. President,

Your Committee on Judiciary to whom was referred C.B. No. 14 have considered the same and beg leave to report it back with the following amendments: viz:

Amend Section 1, line 2 by striking out the words "or embezzle". Also in line 9, Section one by striking out the words "or embezzlement".

Also in line 12, Section 1 by striking out the words "or embezzlement".

Also in line 3, Section 2 by striking out the word "or embezzeled".

Also in line 5, Section 2 by striking out the words "or embezzled". And in line ten, Section 2 the words "or embezzeled".

And as so amended, we recommend that it do pass.

T.E. Collins, Chairman

Mr. President,

Your Committee on Towns and Counties to which was referred C.B. No. 4—"Requiring the publication of certain matters" begs leave to report the bill back with the following amendment.

In line 2 of Section 4 for the word "treasurer" substitute the word "Clerk".

And as amended the Committee would recommend that the bill do pass.

Cardwell, Chairman

Mr. President,

Your Committee on Towns and Counties to whom was referred H.B. No. 3 have had the same under consideration and report the Bill back with amendments. And as so amended recommend that it do pass.

Cardwell, Chairman

C.B. No. 10 was placed on file for third reading.

The substitute reported by Committee on Judiciary for H.B. No. 1 was read first and second times and referred to Committee on Printing.

On motion of Kennedy the amendments to C.B. No. 14 as reported by the Committee on Judiciary were adopted and the bill and amendments placed on general orders.

On motion of Kennedy, the amendments to C.B. No. 4 as reported by Committee on Towns and Counties were adopted and the bill and amendments were referred to Committee on Engrossment.

On motion of Cardwell, the amendments to H.B. No. 3 as reported by Committee on Towns and Counties were adopted and the bill and amendments placed on general orders.

Bills were introduced as follows:

By Kennedy, C.B. No. 21—"An act to provide for a Territorial Board of Arbitration for the settlement of differences between employers and their employees."

Read first and second times and referred to Committee on Printing.

By Sutherlin, C.B. No. 22—"A bill for an act to encourage tree planting and arboriculture in Montana."

Read first and second times and referred to Committee on Printing.

The following communication was received from the Governor.

Territory of Montana  
Executive Department  
Helena, Jan. 26, 1887

To the Council,  
Gentlemen,

I have the honor to inform you that I have this day approved Council Joint Resolution No. 2, for the relief of Geo. Bashaw, J.H. McFarland and John O'Neill.

Very Respectfully  
S.T. Hauser, Governor

House of Representatives, Helena, M.T.  
January 26th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills were given as follows:

By Brown, a bill to amend Section 5 of an act concerning fences approved March 10th 1885.

By Blake, an act concerning the trustees of religious corporations. Also,  
A bill for an act to establish a Territorial Board of Education. Also,  
An Act to build a Territorial Penitentiary.

By Thompson, a bill for an act concerning licenses.

H.J.M. No. 6 has passed the House and the same is herewith transmitted.

David Marks, Chief Clerk

H.J.M. No. 6 was read first and second times and on motion of Rickards, referred to Committee on Public Lands.

C.B. No. 10 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Hundley in the Chair.

Council resumed. Mr. President in the Chair.

Mr. President,

Your Committee of the Whole have had under consideration H.J.M. No. 4 and the Chairman is instructed to Report the Bill back with recommendation that it do not pass.

Hundley, Chairman

On motion of Sutherlin, the Council took a recess until 2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

By unanimous consent, the following Report was received.

Mr. President,

Your Committee on Indian Affairs, to which was referred the communication of the Governor, with petition attached in regard to the condition of certain Indians on Willow Creek, in the vicinity of Sun River, begs leave to report that it has had the same under consideration and that in its judgment immediate aid is required and therefor herewith transmit a Joint Resolution appropriating Five Hundred Dollars or so much thereof as may be necessary for their relief and recommend its adoption.

J.J. Thompson, Chairman

On motion of Kennedy, the rules were suspended, C.J.R. No. 4 for the relief of certain Cree Indians, was read the first and second times, considered engrossed. The rules were suspended and the Resolution was read third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Collins. Title agreed to.

The Council resolved itself into Committee of the Whole. Hundley in the Chair.

Council resumed. Mr. President in the Chair.

Roll called—Quorum present.

On motion of Kennedy, the rules were suspended and the following communication was received.

House of Representatives, Helena, M.T.  
January 27, 1887

Mr. President,

I am directed by the House, to inform your honorable body that C.J.R. No. 4 under a suspension of the rules, has passed the House and the same is herewith transmitted.

David Marks, Chief Clerk

On motion of Kennedy, C.J.R. No. 4 was referred to the Committee on Enrollment.

The Council resolved intself into Committee of Whole for the consideration of general orders. Hundley in the Chair.

Council resumed. Mr. President in the Chair.

Roll called—Quorum present.

On motion of Kennedy Council took a recess of ten minutes.

Council resumed. Mr. President in the Chair.

Roll called—Quorum present.

The following report was received.

Mr. President,

Your Committee on Enrollment to which was referred C.J.R. No. 4 for the

relief of certain Cree Indians beg leave to report back the resolution as correctly enrolled.

Kennedy, Chairman

Mr. President announced signing C.J.R. No. 4. No objection being made the Resolution was signed.

The following report was received.

Mr. President,

Your Committee of the Whole having under consideration C.B. No. 14 beg leave to report the bill back with recommendation that it do pass. Also H.B. No. 3 beg leave to report the bill back with the following amendments:

Section I, line 1, strike out the first word "That". Section 1, 4th line, printed bill strike out all after the word "persons" and insert in lieu thereof "who may be at such time supported or cared for at the exense of the County."

Section 2, line 1 (printed bill), by striking out the words "any of" and the words "of Section I".

Also, strike out all of Section 3.

In Section 4, strike out in line 1 (printed bill), the words "That the provisions of Section I of".

Section 4, line 2, by striking our "or other person or persons".

Make Section I Section 3 and Section 5 Section 4. And we recommend that the bill do pass as amended.

Hundley, Chairman

On motion of Collins, the amendments to H.B. No. 3 were adopted. H.D. Arkwright, Engrossing and Enrolling Clerk was granted leave of absence until Monday next.

On motion of Hundley, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## NINETEENTH DAY

Council Chamber, Helena, M.T.  
January 28th, 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of eighteenth day read and approved.

The following petitions were presented.

By Rickards, Petition of citizens of South Butte, Silver Bow County, praying for enactment of laws prohibiting employment of women and children in public drinking resorts.

By Sutherlin, Petition of citizens of Meagher County, on same subject.

Ordered filed to be referred to appropriate Committee.

The following Reports were received.

Mr. President,

Your Enrolling Committee begs leave to report that C.J.R. No. 4 for the relief of certain Cree Indians was presented to the Governor for his approval at 4 P.M., January 27th, 1887.

Kennedy, Chairman

Mr. President,

Your Committee on Printing begs leave to report that C.B. No. 19—"An Act to amend an act for the compensation of counsel in certain cases" and C.B. No. 18—"An Act in relation to fees of County Assessors" and C.B. No. 20—"An Act to amend Section 371 of the Fifth Division of the Revised Statutes" as correctly printed.

Sutherlin, Chairman

C.B. No. 19 and C.B. No. 20 were referred to Committee on Judiciary and C.B. No. 18 was referred to Committee on Ways and Means.

Notices of introduction of memorial and bill were given as follows:

By Holliday, a Joint Memorial asking Congress for a donation for the benefit of the National Park.

By Sutherlin, a bill for an act to provide compensation for Samuel Snyder for the assessment of Meagher and Fergus Counties.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
January 27th 1887

Mr. President,

I am directed by the House to inform your Honorable body that Council amendments to H.B. No. 11 have been concurred in by the House.

Bills were introduced as follows:

By Blake, H.B. No. 31—"A bill for an act concerning the trustees of religious corporations." Ordered printed.

By Hanscom, H.B. No. 32—"An act to secure persons and animals from danger arising from mining and other excavations." Ordered printed.

Mr. Speaker has signed H.B. No. 2.

David Marks, Chief Clerk

H.J.M. No. 4 was read the third time and lost by the following vote.

Ayes—Batchelder, Hundley, Kennedy and Waters - 4.

Noes—Collins, Cardwell, Holliday, Rickards, Sutherlin, Thompson and Mr. President - 7.

Absent Pardee.

C.B. No. 14 was referred to Committee on Engrossment.

On motion of Kennedy the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk

## **TWENTIETH DAY**

Council Chamber, Helena, Montana  
January 29th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of nineteenth day read and approved.

The following reports were received.

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 14—"A bill for an act providing for the punishment of persons in the possession of stolen property in the Territory of Montana, having stolen the same in some other Territory, State or Country and for the punishment of receivers of stolen property" beg leave to report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Public Lands which has had under consideration H.J.M. No. 3 concerning the timber lands of the Territory of Montana begs leave to state that it would regard the passage of an act by which the settlers of this Territory would be permitted to appropriate the growing timber of this Territory to their use and benefit one of the most important measures to which Congress could donate its time. Your Committee does not however acquiesce in the recommendation for the passage of a law for the sale of Public timber lands.

It believes a law for the payment of a stumpage tax would be the more equitable and prove most satisfactory both to the settlers and the government. It is therefore recommended that all that portion of lines 32, 33 and 34 relating to the passage of a law for the sale of the Public Timber lands be stricken out and the words "for the" inserted in lieu thereof and as so amended, that the Memorial do pass.

G.L. Batchelder, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 4—"Requiring the publication of certain matters" beg leave to report that it has examined the same and find it correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee to whom was referred Council amendments to H.B. No. 3—Entitled "An act concerning the sale of intoxicating liquors to the indigent poor" beg leave to report that they have examined the same and find them correctly engrossed.

Holliday, Chairman

C.B. No. 14, C.B. No. 4 and H.B. No. 3 were placed on file for third reading and H.J.M. No. 3 was placed on general orders.

Notices of the introduction of bills were given as follows:

By Rickards, a bill for an act relating to the care and protection of children.

By Sutherlin, a bill for an act to punish persons for making fraudulent pedigrees of live stock and for other purposes relating thereto.

Rickards introduced C.B. No. 23—"An Act to punish seduction." Read first and second times and referred to Committee on Printing.

H.B. No. 3 was read the third time and passed as amended by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Pardee, Rickards, Sutherlin, Thompson and Mr. President - 9.

Noes—Hundley, Kennedy and Waters - 3. Title agreed to.

Mr. President announced signing H.B. No. 2, H.B. No. 11 and H.J.M. No. 2. No objection being made, they were accordingly signed.

The following communication was received.

House of Representatives, Helena, M.T.  
January 28th 1887

Mr. President,

I am directed by the House to inform your Honorable body that H.B. No. 7 has been laid on the table.

Notices of the introduction of bills have been given as follows:

By Harwood, a bill for an act to amend Sections one and two of an act entitled an act to amend an act concerning chattel mortgages, approved February 19th 1881, approved February 27th 1885.

By Hanscom, a bill to provide for the payment of stock killed or injured by railroads.

By Page, a bill for an act to prohibit the retailing of intoxicating liquors on Sunday.

By Kanouse, an act concerning a jail in Meagher County.

Bills were introduced as follows:

By Toole, H.B. No. 33—"An Act to amend Section 801 of the Fifth Division of the Revised Statutes of Montana." Ordered printed.

By Gorham, H.B. No. 34—"An act to amend an act relative to killing certain animals." Ordered printed.

Alderson introduced H.J.M. No. 7 memorializing Congress to appropriate money for the building of a wagon road from Cinabar to Cooke City, Montana."

Mr. Speaker has signed H.B. No. 11 and H.J.M. No. 2.

H.B. No. 15 has passed the House and the same is herewith transmitted.

David Marks, Chief Clerk

H.B. No. 15 was read first and second times and on motion of Collins the rules were suspended the bill was read the third time by its title and placed on its final passage. The bill passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—None. Title agreed to.

Leave being granted, the following Report was received.

Mr. President,

Your Committee on Ways and Means to whom was referred H.J.R. No. 1 providing for the payment of printing, etc., not provided for by the General Government beg leave to report the same back with the following amendments. In line 10 before the word treasury to insert the word "territorial". And in line 34 before the word auditory to insert the word "territorial" and would recommend its passage as amended.

J.K. Pardee, Chairman

H.J.R. No. 1 was placed on general orders.

C.B. No. 14 was read the third time and passed as amended by the following vote.

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—None. Title agreed to.

C.B. No. 4 was read the third time and passed as amended by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—None. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Collins in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

The Committee of the Whole have considered H.J.M. No. 3 and H.J.R. No. 1 and have instructed the Chairman to report that H.J.M. No. 3 be amended as recommended by the Committee on Public Lands and as amended that it do pass.

And that H.J.R. No. 1 be passed as amended by the Committee on Ways and Means.

T.E. Collins, Chairman

On motion of Collins the amendments to H.J.R. No. 1 were adopted and referred to Committee on Engrossment.

On motion of Batchelder, the amendments to H.J.M. No. 3 were adopted and referred to Committee on Engrossment.

On motion of Kennedy, the Council took a recess of ten minutes.

Council resumed. Mr. President in the Chair.

Roll called—Quorum present.

The following report was received.

Mr. President,

Your Committee on Engrossment to whom was referred H.J.R. No. 1 providing for the payment of printing, etc., not provided for by the General

Government beg leave to report that the amendments to same are properly engrossed.

Holliday, Chairman

On motion of Pardee, the rules were suspended and H.J.R. No. 1 was placed upon its final passage. The Resolution passed as amended by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Thompson, Waters and Mr. President - 10.

Noes—Kennedy, Sutherlin - 2. Title agreed to.

On motion of Collins, the Council adjourned until Monday next at 10 A.M.

Reuben L. Davis, Chief Clerk

## TWENTY SECOND DAY

Council Chamber, Helena, M.T.  
January 31st 1887

Council met pursuant to adjournment at 10 A.M.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of twentieth day read and approved.

Petitions were presented as follows:

By Hundley, Petition from citizens of Sun River for law prohibiting employment of women and minors in public drinking resorts.

By Mr. President, Petition of citizens of Madison County for law giving bounty for killing ground squirrels.

By Sutherlin, Petition of citizens of Meagher County for relief of Samuel Snyder.

Ordered filed to be referred to appropriate Committee.

The following communication from the Governor was received.

Territory of Montana  
Executive Department  
Helena, January 27th 1887

To the Council,  
Gentlemen,

I have the honor to inform you that I have this day approved Council Joint Resolution No. 4 for relief of certain Cree Indians.

Very Respectfully  
S.T. Hauser, Governor

The following Reports were received.

Mr. President,

Your Committee on Engrossment to whom was referred H.J.M. No. 3 concerning the timber lands of the United States within the Territory of Montana beg leave to report they have examined the amendments to same and find them correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Towns and Counties to whom was referred C.B. No. 5—"A Bill for an act providing for the transfer of certain records relating to Townsite of Butte City" have had the same under consideration and report the bill back with amendments and as amended recommend that it do pass.

Cardwell, Chairman

Mr. President,

Your Committee on Ways and Means beg leave to state that until they receive a copy of the Territorial Auditors report they are unable to

intelligently consider any measures pertaining to the finances of the Territory.

J.K. Pardee, Chairman

Mr. President,

Your Committee on Printing begs leave to report that C.B. No. 21—"An act to provide for a Territorial Board of Arbitration for the settlement of differences between employers and their employees" and C.B. No. 22—"An act to encourage tree planting and arboriculture in this Territory" as correctly printed.

Sutherlin, Chairman

H.J.M. No. 3 was placed on file for third reading.

C.B. No. 5 was placed on general orders.

On motion of Kennedy, C.B. No. 21 was referred to Committee on Education and Labor.

On motion of Sutherlin, C.B. No. 22 was referred to Committee on Judiciary.

Holliday introduced C.J.M. No. 1 asking for an appropriation for the Yellowstone National Park. Read first and second times and referred to Committee on Federal Relations.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
January 29th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills were given as follows:

By Scobey, a bill to amend Section 172 of the Fourth Division of the Revised Statutes.

By Armstrong a bill to amend Section 804 of the code of civil procedure. Also, a bill to repeal an act entitled an act concerning fees of jurors in civil cases, approved February 21st 1881. Also, a bill to encourage the construction of canals in the Territory of Montana for irrigation and other useful purposes.

By Gorham, an act concerning supervisors of Roads and Highways, etc.

Bills were introduced as follows:

By Hanscom, H.B. No. 35—"A bill for an act for liens of mechanics and others." Ordered printed.

By Thompson, H.B. No. 36—"A bill for an act concerning licenses."

By Muth, H.B. No. 37—"An act to amend an act limiting the compensation of certain officers named herein."

David Marks, Chief Clerk

H.J.M. No. 3 was read the third time and lost by the following vote.

Ayes—Batchelder, Holliday, Kennedy and Waters - 4.

Noes—Cardwell, Collins, Hundley, Pardee, Sutherlin, Thompson and Mr. President - 7. Absent Rickards.

On motion of Kennedy, the consideration of general orders was passed for today.

On motion of Collins, the Chief Clerk was instructed to request the Governor to forward the Reports of the Territorial Auditor and Treasurer, Librarian of miscellaneous and Law Division of the Montana Library and Contractors for keeping the Insane of the Territory.

On motion of Collins, the rules were suspended and the House was requested to return H.B. No. 3 to the Council for further amendment.

On motion of Hundley, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## TWENTY THIRD DAY

Council Chamber, Helena, M.T.  
February 1st 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of twenty second day read and approved.

Rickards presented petition of residents of Silver Bow County for law prohibiting employment of women and minors in public drinking resorts, etc.

Ordered placed on file, to be referred to appropriate Committee.

The following Reports were received.

Mr. President,

Your Committee on Public Lands which has had under consideration H.J.M. No. 6 relating to the extension of the Public Surveys begs leave to return the same recommending its passage.

G.L. Batchelder

Mr. President,

Your Committee on Printing begs to report Council Substitute to House Bill No. 1—"An Act concerning the Crime of Rape" as correctly printed.

Sutherlin, Chairman

Mr. President,

Your Committee on Federal Relations, to whom was referred C.J.M. No. 1 asking for an appropriation for the National Park, beg leave to report that we have had the same under consideration and report it back with the recommendation that it do pass.

Hundley, Chairman

H.J.M. No. 6, the Council Substitute for H.B. No. 1 and C.J.M. No. 1 were placed on general orders.

Waters gave notice of introduction of a bill entitled an act to provide for the erection of a Territorial Prison and the custody and labor of Territorial prisoners.

Waters offered the following Resolution:

Be it resolved by the Legislative Council, the House concurring that a Joint committee of two from the Council and a like number from the House be appointed to investigate the books and accounts of the Territorial Auditor and Treasurer and that said Committee have the power to employ competent experts to examine the same.

On motion of Collins, the Resolution was adopted and in conformity thereto, Mr. President appointed Waters and Thompson to act on the part of the Council.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
January 31, 1887

Mr. President,

I am directed by the House to transmit to your Honorable body H.B. No. 3 as per your request.

David Marks, Chief Clerk

On motion of Collins, the vote by which H.B. No. 3 passed the Council was reconsidered.

On motion of Pardee, the rules were suspended in order to allow the bill to be considered instanter.

On motion of Hundley, H.B. No. 3 was amended by inserting in line 3 of the engrossed bill after the words "persons" the word "knowingly" and was referred to Committee on Engrossment.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 1st 1887

Mr. President,

I am directed by the House to inform your Honorable body that bills were introduced as follows:

By Gorham, H.B. No. 38—"An act concerning Supervisors of Roads and Highways." Ordered printed.

By Page, H.B. 39—"A bill for an act to prohibit the retailing of intoxicating liquors on Sunday." Ordered printed.

C.B. No. 3 and H.B. No. 27 have passed the House and are herewith transmitted.

David Marks, Chief Clerk

C.B. No. 3 was referred to the Committee on Enrollment.

H.B. No. 27 was read first and second times and referred to the Committee on Education and Labor.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Waters in the Chair.

Council resumed. Mr. President in the Chair.

By unanimous consent the rules were suspended and the following Report was received.

Mr. President,

Your Committee on Incorporations to whom was referred C.B. No. 16—"Relating to Banks and Banking" respectfully report they have had the same under consideration and recommend that amendments hereto attached be incorporated into the Bill by the Engrossment Clerk and afterwards referred to Committee on Printing.

Rickards, Chairman

On motion of Kennedy, the Bill and amendments were referred to the Committee on Engrossment.

The following communication was received.

Territory of Montana  
Executive Department  
Helena, Feb. 1st 1887

To the Council,  
Gentlemen,

I beg to submit herewith a copy of the report of the Auditor and Treasurer of the Territory of Montana, for the fiscal year, 1886.

Very Respectfully  
S.T. Hauser, Governor

The following Report was received.

Mr. President,

The Committee of the Whole having considered the bills hereinafter mentioned, respectfully report, the same back and recommend as follows: That the amendments to C.B. No. 5—"A bill for an act providing for the transfer of certain records relating to the Town site of Butte City" as reported by the Committee on Towns and Counties be adopted and that the bill as amended do pass.

That H.J.M. No. 6 relating to the extension of the Public Surveys do pass.

That Council Substitute for H.B. No. 1 be amended by striking out the word "fourteen" in line 10 (line 3 of printed bill) and inserting in lieu thereof the word "fifteen" and that the bill as amended do pass.

E.C. Waters, Chairman

On motion of Collins, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## TWENTY FOURTH DAY

Council Chamber, Helena, Montana  
February 2nd, 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of twenty third day read and approved.

The following Reports were received,

Mr. President,

Your Committee on Education and Labor to whom was referred H.B. No. 10 respectfully report they have had the same under consideration and recommend that with amendments as hereto attached it do pass.

J.E. Rickards

Amendments to H.B. No. 10. In Section 3, 4th line after the word "Person" insert words "Corporation, Association, Copartnership or Chartered Company".

Section 5 to be stricken out as in our judgment it would nullify the entire act.

Mr. President,

Your Committee on Education and Labor to whom was referred H.B. No. 27 respectfully report that they have had the same under consideration and recommend that with amendments, as hereto attached, it do pass.

Amendments to H.B. No. 27. In Section 2, 3rd line after the word "shall" insert the words "upon conviction thereof". As thus amended it would read "Shall upon conviction thereof be adjudged guilty" etc.

Section 2, line 11, strike out the word "Thereafter" and insert in lieu thereof the following "For subsequent violations of this act shall upon conviction thereof be fined."

Strike out Section 3 entirely, already covered by statutes.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Incorporations to whom was referred C.B. No. 6, after due consideration, instructed me to report it back without recommendation.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred H.B. No. 3—"An act concerning the sale of intoxicating liquors to the indigent poor" beg leave to report that they have examined the same and find it correctly engrossed.

Holiday, Chairman

Mr. President,

Your Judiciary Committee have considered C.B. No. 20—"An act to amend Section 371 of the 5th Division of the Revised Statutes" and report it back recommending that it pass with the following amendments.

Insert after the word "school" line 10, written bill, the words "Road and Poor" and strike out all after the word "Counties" at end of line 16 written bill.

T.E. Collins, Chairman

Mr. President,

Your Judiciary Committee have duly considered C.B. No. 19—"A bill for an act to amend an act to provide for the compensation of counsel in certain criminal cases, approved February 23rd, 1881" and ask to report the same back with the recommendation that it do not pass.

T.E. Collins, Chairman

Mr. President,

Your Judiciary Committee have considered C.B. No. 7—"An act concerning the Montana library" and return the same recommending that it do pass.

T.E. Collins, Chairman

H.B. No. 10, H.B. No. 3, H.B. No. 27, C.B. No. 6, C.B. No. 20, C.B. No. 19 and C.B. No. 7 were placed on general orders.

Bills were introduced as follows.

By Rickards, C.B. No. 24—"A bill for an act relating to the protection, employment and adoption of children."

Read first and second times and referred to Committee on Printing.

By Waters, C.B. No. 25—"A bill for an act to provide for the erection of a Territorial prison and the custody and labor of Territorial prisoners."

Also a proposition of John R. King and Thomas S. Ash to contract for same.

The bill was read first and second times and with the proposition accompanying the same, referred to the Committee on Printing.

Mr. President announced signing H.J.R. No. 1 and H.B. No. 15.

Sutherlin introduced C.B. No. 26—"A bill for an act to provide compensation for the assessment of Meagher and Fergus Counties."

Read first and second times and referred to Committee on Towns and Counties.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 1st 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of bills were given as follows:

By Scobey, a bill to repeal Section 2 of an act entitled an act concerning fences, approved March 10th 1885. Also a bill for an act for the taxation of the gross earnings of mines.

By Taylor, a bill to amend Section 380, Article 2, Fifth Division of the Revised Statutes of Montana.

Bills were introduced as follows:

By Buskett, H.B. No. 40—"An act to provide for the establishment of Independent Graded School Districts."

By Harwood, H.B. No. 41—"An act concerning Chattel Mortgages."

Very Respectfully  
David Marks, Chief Clerk

The following communication from the Governor and accompanying report were received.

Territory of Montana  
Executive Department  
Helena, Feby 1st 1887

To the Council,  
Gentlemen,

I beg to submit herewith the following reports, as requested in communication of this date.

1. Report of the Trustees of the Law Division of the Montana Library.
2. Report of Contractor for the care, maintenance, and medication of the indigent insane of Montana Territory.

Very respectfully  
S.T. Hauser, Governor

The Report of the Trustees of the Law Division of the Montana Library was read and on motion of Rickards referred to Committee on Judiciary.

The Report of the Contractor for the care, maintenance and medication of the indigent insane of the Territory of Montana was read and on motion of Kennedy referred to Committee on Ways and Means.

The following communications from the Governor were received and referred to Committee on Ways and Means.

The Territory of Montana  
Governor's Office  
Helena, February 2nd 1887

To the Council,  
Gentlemen,

I have the honor to inform you that I hereby nominate and with your consent and advice, will appoint and commission James Sullivan of Lewis and Clarke County to be Territorial Auditor, from the expiration of the term of the present incumbent.

Very respectfully  
S.T. Hauser, Governor

The Territory of Montana  
Governor's Office  
Helena, February 2nd, 1887

To the Council,  
Gentlemen,

I have the honor to inform you that I hereby nominate and with your consent and advice will appoint and commission William G. Preuit of Lewis

and Clarke County to be Territorial Treasurer from the expiration of the term of the present incumbent.

Very respectfully,  
S.T. Hauser, Governor

H.B. No. 3 was read the third time and passed as amended by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson and Mr. President - 10.

Noes—Kennedy, Waters - 2. Title agreed to.

On motion of Kennedy the amendments to C.B. No. 5 reported by Committee of the Whole were adopted and the bill referred to the Committee on Engrossment.

H.J.M. No. 6 was placed on file for third reading.

On motion of Rickards the amendment to the Council Substitute for H.B. No. 1 as reported by Committee of the Whole was adopted by the following vote.

Ayes—Batchelder, Holliday, Hundley, Pardee, Rickards, Sutherlin, Waters and Mr. President - 8.

Noes—Collins, Cardwell, Kennedy and Thompson - 4.

H.B. No. 1 was referred to the Committee on Engrossment.

The Council resolved itself into Committee of the Whole. Collins in the Chair.

Council resumed. Mr. President in the Chair.

Collins from Committee of the Whole reported progress and asked leave to sit again, which was granted.

On motion of Kennedy the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk

## TWENTY FIFTH DAY

Council Chamber, Helena, Montana  
February 3rd 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of twentieth fourth day read and approved.

The following Reports were received.

Mr. President,

Your Committee on Enrollment to which was referred C.B. No. 3—"Amending the Probate Practice Act" begs leave to report the bill back as correctly enrolled.

Kennedy, Chairman

Mr. President,

I am instructed by the Committee of the Whole to report that the bills, etc., hereinafter mentioned having been considered, the Committee report the same back and recommend as follows:

That C.J.M. No. 1, asking for an appropriation for the Yellowstone National Park, be amended by striking out after the word "your" in line 2 of page 2 the word "most" and that as amended, the memorial do pass.

That C.B. No. 19—"A bill to amend an Act to provide for counsel in certain Criminal Cases approved February 23rd 1881" do not pass.

That H.B. No. 10—"An act to protect the wages of wage workers" be amended as recommended by the Committee on Education and Labor and that as amended the bill do pass.

The Committee had under consideration H.B. No. 27 when the Committee reported progress and asked leave to sit again.

T.E. Collins, Chairman

Mr. President,

Your Committee on Judiciary to which was referred H.B. No. 5 begs leave to report the same back with the amendments annexed thereto and does recommend that the same as amended do pass.

T.E. Collins, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 5—"Providing for the transfer of certain Records relating to the townsite of Butte City", C.B. No. 16—"An act concerning banks and banking", Council Substitute for H.B. No. 1—"Concerning the crime of Rape" beg leave to report they have examined the same and find them correctly engrossed.

Holliday, Chairman

On motion of Kennedy, the amendment to C.J.M. No. 1 was adopted and the memorial referred to the Committee on Engrossment.

C.B. No. 19 was placed on file for third reading.

On motion of Collins, the amendments to H.B. No. 10 were adopted and referred to Committee on Engrossment.

H.B. No. 5 was placed on general orders.

C.B. No. 16 was referred to Committee on Printing.

C.B. No. 5 and Council Substitute for H.B. No. 1 were placed on file for third reading.

Notices of introduction of bill and Joint Resolution were given as follows.

By Collins, a bill to amend Section 1051 of the Revised Statutes of Montana relating to Revenue.

By Sutherlin, a Joint Resolution relating to the publication of the Governor's Message.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 2nd 1887

Mr. President,

I am directed by the House to inform your Honorable body that Taylor gave notice of an act to prevent rams to run at large between the first day of August and first day of December. Also, an act to prevent the abandonment of sheep.

Bills were introduced as follows:

By Committee on Elections, H.B. No. 42—"A bill for an act relating to elections." Ordered printed.

By Brown, H.B. No. 43—"A bill for an act to amend an act entitled an act concerning fences approved March 10th 1885." Ordered printed.

By Taylor, H.B. No. 44—"An act to amend Section 380, Article 2, Fifth Division of the Revised Statutes of Montana Territory."

Mr. Speaker has signed H.B. No. 15 and H.J.R. No. 1.

The House has amended Council Concurrent Resolution relative to the examination of the books of the Auditor and Treasurer by making the same read "That a Committee of two from the Council and Three from the House" instead of a like number from the House as in the original resolution. The resolution as amended was adopted.

David Marks, Chief Clerk

The Council Substitute for H.B. No. 1 was read third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—None. Title agreed to.

C.B. No. 19 was read the third time and lost by the following vote.

Ayes—Hundley and Kennedy - 2.

Noes—Batchelder, Cardwell, Collins, Holliday, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 10.

C.B. No. 5 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—None. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

Kennedy, Chairman of Committee of the Whole, reported that H.B. No. 27 and C.B. No. 20 had been considered by the Committee and was granted time to prepare report.

On motion of Collins, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## TWENTY SIXTH DAY

Council Chamber, Helena, Montana  
February 4th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of twenty fifth day read and approved.

The following reports were received.

Mr. President,

Your Committee of the Whole to which was referred C.B. No. 20—"To amend Section 371 of the Fifth Division of the Revised Statutes" begs leave to report it back with the recommendation it do pass as amended by the Judiciary Committee.

Kennedy, Chairman

Mr. President,

Your Committee of the Whole has had under consideration H.B. 27—"A bill to regulate gambling" and begs leave to report it back, together with a substitute proposed in Committee by Wm Hundley with the recommendation that they be referred to a Special Committee of three for amendments, or the preparation of a substitute.

Kennedy, Chairman

Mr. President,

Your Committee to whom was referred C.J.M. No. 1, asking for an appropriation for the Yellowstone National Park and amendments to H.B. No. 10—"An act to protect the wages of wage workers" beg leave to report we have examined the same and report them correctly engrossed.

Holliday, Chairman

On motion of Kennedy, the amendments to C.B. No. 10 were adopted and the bill and amendments referred to Committee on Engrossment.

On motion of Kennedy, the recommendations of the Committee of Whole in regard to H.B. No. 27 were adopted and the bill was referred to Select Committee consisting of Pardee, Rickards and Thompson.

C.J.M. No. 1 and H.B. No. 10 were placed on file for third reading.

The following communication from the Governor was received and referred to the Committee on Education and Labor.

Territory of Montana  
Executive Department  
Helena, Feby 4th 1887

To the Council,  
Gentlemen,

I have the honor to inform you that I hereby nominate and with your consent and advice, will appoint and commission Arthur C. Logan of Custer

County to be Superintendent of Public Instruction from the expiration of the term of the present incumbent.

Very respectfully  
S.T. Hauser, Governor

The following communication and accompanying Joint Resolution were received and referred to Committee on Grazing and Stock-growing.

Territory of Montana  
Governor's Office  
Helena, February 3rd 1887

To the Council and House of Representatives,  
Gentlemen,

I beg to submit herewith a copy of a Joint Resolution of the Legislative Assembly of Dakota Territory, "Authorizing the appointment of a Committee to confer with the Authorities of Montana in relation to measures for the prevention and suppression of contagious diseases among live stock."

To which I earnestly invite your immediate attention.

Very Respectfully  
S.T. Hauser

Sutherlin introduced C.J.R. No. 5, providing for printing of the Governor's Message and other documents.

Read first and second times and referred to Committee on Ways and Means.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
February 3rd, 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills were given as follows:

By Harwood, a bill for an act to amend Section 12 of an act entitled an act limiting the compensation of certain officers herein named approved March 12th 1885.

By Armstrong, a bill concerning fees and salaries of District, County and Township officers.

Bills were introduced as follows:

By Armstrong, H.B. No. 45—"An act concerning the fees of jurors in Civil cases, approved Feby 21, 1881."

By Taylor, H.B. No. 46—"An act to prevent rams to run at large between the first day of August and the first day of December." Also, H.B. No. 47—"An act to prevent the abandonment of sheep."

H. Bills Nos. 45, 46 and 47 were ordered printed.

C.J.R. No. 3 and C.B. No. 9 were read a third time and lost and they are herewith transmitted.

David Marks, Chief Clerk

The following report was received.

Mr. President,

Your Committee on printing begs leave to report C.B. No. 23—"A bill for an act to punish seduction" as correctly printed.

Sutherlin, Chairman

On motion of Kennedy, C.B. No. 23 was referred to Committee on Judiciary.

H.J.M. No. 6 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—None. Title agreed to.

C.J.M. No. 1 was read the third time and on motion of Kennedy referred to Committee on Federal Relations for further amendment.

H.B. No. 10 was read the third time and passed as amended by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—None. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders, Pardee in the Chair.

Council resumed. Mr. President in the Chair.

The following Report was received.

Mr. President,

Your Committee of the Whole respectfully report that they have considered C.B. No. 7—"An act concerning the Montana Library" and recommend that the bill together with the report of the Law Librarian be referred to the joint Committee of the Council and House on the same subject.

J.K. Pardee, Chairman

On motion of Kennedy, the recommendation of the Committee of the Whole was adopted and the bill referred to Joint Committee of the Council and House appointed to investigate the condition of the library.

On motion of Kennedy, the Council concurred in the House amendment to Council Concurrent Resolution relative to the examination of the books of the Territorial Auditor and Treasurer.

On motion of Thompson, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## **TWENTY SEVENTH DAY**

Council Chamber, Helena, Montana  
February 5th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

On motion of Kennedy, the Council adjourned until Monday next at 10 A.M.

Reuben L. Davis, Chief Clerk



## TWENTY NINTH DAY

Council Chamber, Helena, Montana  
February 7th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Twenty sixth day and twenty seventh day read and approved.

The following Reports were received.

Mr. President,

Your Committee on Education and Labor to whom was referred the appointment by the Governor of A.C. Logan for Supt. of Public Instruction respectfully report. We have made inquiry and counseled with all whom we thought could give us information touching his fitness for the place and we recommend that the appointment be confirmed.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Grazing and Stock-growing to whom was referred the nomination of Herbert Holloway for the office of Territorial Veterinary Surgeon, beg leave to report that while his Diploma does not strictly comply with the letter of the law—yet it is advised by excellent attorneys that it is in substance in conformity therewith and having the endorsement of many leading stock growers, the Committee feel unwilling to longer delay and therefore recommend his confirmation.

Hundley, Chairman

Mr. President,

Your Committee on Ways and Means have had under consideration the nomination of William G. Pruiett by the Governor for the office of Territorial Treasurer and the majority of your Committee respectfully report recommending that he be confirmed.

Waters  
Collins

Mr. President,

Your Committee to whom was referred C.B. No. 20—"A bill for an act to amend Section 371, Fifth Division, Revised Statutes of Montana" beg leave to report they have examined the same and find it correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Grazing and Stock-growing to whom was referred Joint Resolution from the Legislature of Dakota to the Authorities of Montana, "Authorizing the appointment of a Committee to confer with the Authorities of Montana in relation to the suppression of contagious diseases among Live Stock" beg leave to report that they have examined the same and recommend

that a like Committee be appointed by this Legislative Assembly and that the accompanying resolution may be adopted.

Hundley, Chairman

Mr. President,

Your Committee on Ways and Means having had under consideration the nomination of James Sullivan for Territorial Auditor beg leave to report recommending that he be confirmed.

J.K. Pardee, Chairman

On motion of Sutherlin, the following Resolution was adopted. Resolved: That the Governor be requested to transmit to this Council, such report or reports, as may have been furnished to him by the Territorial Veterinary Surgeon and his assistants relating to contagious diseases among domestic animals, made under the Act of the Fourteenth Legislative Assembly, approved March 10th 1885. And such other documents as he may have in his possession relating to the operations of the law to suppress and prevent the dissemination of contagious and infectious diseases among domestic animals and Texas cattle.

C.J.R. No. 6, authorizing the appointment of a Committee to confer with the authorities of Dakota in relation to measures for the prevention and suppression of contagious diseases among live stock, reported this day by the Committee on Grazing and Stock-growing was read first and second times.

On motion of Hundley, the rules were suspended, the Resolution was considered Engrossed. The rules were suspended, the Resolution was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—None. Absent Kennedy. Title agreed to.

C.B. No. 20 was placed on file for third reading.

C.B. No. 27 was read first and second times and referred to Committee on Printing.

On motion of Waters, the report of the Committee on Education and Labor was taken up and the appointment of Arthur C. Logan as Territorial Superintendent of Public Instruction was confirmed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—None. Absent Kennedy.

On motion of Rickards, the Report of the Committee on Ways and Means was taken up and the appointment by the Governor of James Sullivan for Territorial Auditor was confirmed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—None. Absent Kennedy.

On motion of Cardwell the report of the majority of the Committee on Ways and Means upon the nomination of William G. Preuitt for Territorial Treasurer was taken up.

Pardee, Chairman of Committee on Ways and Means, made a verbal minority report.

The appointment of William G. Preuit as Territorial Treasurer was confirmed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Thompson, Waters and Mr. President - 10.

Noes—Pardee - 1. Absent Kennedy.

The Report of the Committee on Grazing and Stock-growing recommending the confirmation of the appointment of Herbert Holloway as Territorial Veterinary Surgeon was taken up.

On motion of Thompson the appointment of Herbert Holloway as Territorial Veterinary Surgeon was confirmed by the following vote.

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Pardee, Rickards, Thompson, Waters and Mr. President - 10.

Noes—Sutherlin - 1. Absent Kennedy.

The following communications from the House were received.

House of Representatives, Helena, M.T.  
Feby 4th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills were given as follows:

By Harwood, a bill for an act regulating appeals from orders granting new trials in the District Courts.

By Mantle, a bill for an act concerning obscene literature. Also, a Joint Resolution for the relief of John X. Beidler.

Hanscom introduced H.B. No. 48—"An act to provide for the payment of stock killed or injured by railroads." Ordered printed.

I am further directed by the House to return to you C. Substitute for H.B. No. 1.

The original bill does not accompany the Substitute and the history on the Substitute is incomplete in as much as it does not show when it was adopted.

David Marks, Chief Clerk

House of Representatives, Helena, M.T.  
Feby 5th 1887

Mr. President,

I am directed by the House to inform your Honorable body that the House refuses to concur and respectfully asks the Council to recede from the following amendments to H.B. No. 3.

Section 1, line 1, strike out the first word "that".

Also Section 1, line 3, engrossed bill, insert the word "knowingly" after the word "person".

As to other amendments made by the Council to said bill the House concurs. The bill is herewith transmitted.

Notices were given as follows:

By Blake, a bill for an act to compile and arrange the General Laws of the Territory of Montana in force at the commencement of the Fifteenth regular session of the Legislative Assembly on the tenth day of January A.D. 1887. Also, a bill for an act concerning the payment of fines and costs in Criminal Cases.

By Muth, a bill in relation to the property of non-resident minor heirs.

By Harwood, a bill for an act to amend Section 10 of an act entitled an act to create the County of Yellowstone and for the election of officers thereof approved Feby 26th 1883. Also, a bill for an act concerning the penalty for the non-payment of taxes.

Harwood introduced H.B. No. 49—"A bill for an act regulating appeals from orders granting new trials in the District Court." Ordered printed.

H.J.M. No. 7, H.B. No. 31 and substitute for H.B. No. 13 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

Sutherlin introduced C.B. No. 27—"A bill for an act to punish persons for making fraudulent pedigrees of livestock."

Read first and second times and referred to Committee on Printing.

On motion of Rickards, the Council receded from the following amendment to H.B. No. 3.

Section 1, line 1, strike out the first word "That".

On motion of Collins, the Council refused to recede from the second amendment to said bill.

The House Substitute for H.B. No. 13 was read first and second times and referred to Committee on Education and Labor.

H.J.M. No. 7 was read first and second times and referred to Committee on Roads and Highways.

H.B. No. 31 was read first and second times and referred to committee on Incorporations.

C.B. No. 20 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—None. Absent Kennedy. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

Pardee from Committee of the Whole reported progress and the Committee were granted leave to sit again.

By unanimous consent the following resolution was received.

Mr. President,

We offer the following resolution:

Whereas we have heard with sorrow and regret of the untimely death of one of the oldest and most respected citizens of Montana, Hon. Frank L. Worden of the town of Missoula, a former honored and useful member of the Legislative Council and whereas, it is due his early and distinguished services as a pioneer of Montana and as a member of the Territorial Legislature that we do honor to his memory.

Therefore be it resolved by the Fifteenth Legislative Council of the Territory of Montana that the President appoint a Committee of one member

of the Legislative Council to attend the funeral of the deceased and convey to the bereaved widow and family our condolences.

T.E. Collins  
J.K. Pardee

Which was adopted by a unanimous vote and Hon. Will Kennedy was appointed a Committee, in conformity therewith.

Pardee moved as a token of respect for the deceased, the Council now adjourn for the day.

Which was carried and the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## THIRTIETH DAY

Council Chamber, Helena, Montana  
February 8th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of twenty ninth day read and approved.

On motion of Sutherlin, the petition of tax payers of Meagher County for the relief of Samuel Snyder was referred to Committee on Towns and Counties.

Collins presented petition of citizens of Choteau County for law prohibiting women and minors being employed in public drinking resorts, etc. Received and ordered placed on file to be referred to appropriate Committee.

The following Reports were received.

Mr. President,

Your Committee on Roads and Highways to whom was referred H.J.M. No. 7 beg leave to report back the Memorial with recommendation that it do pass. But would say that the history of the Memorial does not show that it has passed the House.

Holliday, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred C.J.R. No. 5 providing for the printing of the Governor's Message and other documents, have had the same under consideration and beg leave to report it back with the recommendation that it do pass.

J.K. Pardee, Chairman

Mr. President,

Your Committee on Federal Relations to whom was referred C.J.M. No. 1, asking for an appropriation for the Yellowstone National Park, has again considered the same and begs leave to report it back with the recommendation that it be amended as follows:

Strike out in line 6 and 7 in second page the words "at once". In the end popular outcry will cause this to be done "and".

Also strike out lines 8, 9, 10, 11, 12—the words "Now there is a surplus of money in the National Treasury, and the money appropriated is paid out by the officer in charge directly to the laborer."

And as amended, your Committee recommend that it do pass.

Hundley, Chairman

The Chief Clerk was instructed to return H.J.M. No. 7 to the House for endorsement showing its passage by the House.

On motion of Kennedy, the amendments to C.J.M. No. 1 were adopted and the Resolution as amended, was referred to Committee on Engrossment.

C.J.R. No. 5 was placed on general orders.

Rickards gave notice of the introduction of a bill for an act relating to the formation of municipal corporations.

Bills were introduced as follows:

By Collins, C.B. No. 28—"A bill for an act entitled an act to amend Section 1051 of the Fifth Division of the Revised Statutes of Montana."

Read first and second times and on motion of Collins the rules were suspended and the bill referred to Committee on Ways and Means.

By Kennedy, C.B. No. 29—"An act concerning records of mining locations."

Read first and second times and on motion of Rickards the rules were suspended and the bill referred to Committee on Mines and Minerals.

Collins (by unanimous consent), introduced C.J.M. No. 2, asking that the office of U.S. Surveyor General in the Territories, be not abolished.

Read first and second times. On motion of Collins, the rules were suspended, the Resolution considered Engrossed. The rules were suspended, the Resolution was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President—12.

Noes—None. Title agreed to.

Mr. President announced signing C.B. No. 3.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

Your Committee of the Whole respectfully report that C.B. No. 6 has been considered and the Committee report the bill back with the recommendation that it do not pass.

Having other business, the Committee asks leave to sit again.

J.K. Pardee, Chairman

The following communication from the House was read.

House of Representatives, Helena, M.T.  
February 8th 1887

Mr. President,

I am directed by the House to inform your Honorable body that under a suspension of the rules, C.J.R. No. 6 and C.J.M. No. 2 have passed the House and they are herewith transmitted.

In as much as the Council has refused to recede from all of its amendments to H.B. No. 3, the House respectfully ask that the said bill be returned to the House that they may properly take further action in the matter.

Mr. Speaker in conformity with C.C.R. for the appointment of a Joint Committee to examine the books of the Auditor and Treasurer has appointed as such Committee on the part of the House, Messrs. Muth, Scobey and Thompson.

David Marks, Chief Clerk

C.J.R. No. 6 and C.J.M. No. 2 were referred to Committee on Enrollment.  
The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 7, 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices were given as follows:

By Harwood, a bill for an act to amend Sections 983, 984, 985, 986, 987, 988, 989, 990 and 991 of Chapter 51 of the 5th Division, Revised Statutes of Montana.

By Thompson, a bill to prevent double taxation.

By Buskett, a Joint Resolution to appoint a Joint Committee of three from the House and two from the Council to visit the Penitentiary and Insane Asylum and report upon their conduct and condition.

By Armstrong, H.B. No. 50—"An act concerning the fees and compensation of certain District and County Officers." Ordered printed.

By Harwood, H.B. No. 51—"A bill for an act to amend an act entitled an act limiting the compensation of certain officers, approved March 12th 1885." Ordered printed.

By Muth, H.B. No. 52—"An Act to amend Sections 396 and 397 of the Second Division of the Statutes of Montana." Ordered printed.

By Mantle, H.B. No. 53—"A bill for an act concerning obscene literature." Ordered printed.

By Blake, H.B. No. 54—"An act to compile and arrange the General Laws of the Territory of Montana in force at the commencement of the fifteenth regular session of the Legislative Assembly on the 10th day of January A.D. 1887." Ordered printed.

Mantle introduced H.J.R. No. 2 for the relief of John X. Beidler.

David Marks, Chief Clerk

By unanimous consent the following Report was received.

Mr. President,

Your Committee on Printing beg leave to report C.B. No. 16—"A bill for an act concerning Banks and Banking" as correctly printed.

Sutherlin, Chairman

C.B. 16 was placed on general orders.

On motion of Rickards the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## THIRTY FIRST DAY

Council Chamber, Helena, Montana  
February 9th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirtieth day read and approved.

Holliday presented petitions of residents of Gallatin County asking for passage of law prohibiting employment of women and minors in public drinking resorts.

Received and with all other petitions on file on same subject referred to Committee on Education and Labor.

The following Reports were received.

Mr. President,

Your Judiciary Committee to whom was referred C.B. No. 22 and C.B. No. 23, the first "A bill for an act to encourage tree planting and arboriculture" and the other "A bill for an act to punish seduction" have considered the same and recommend their passage.

T.E. Collins, Chairman

Mr. President,

Your Committee to whom was referred C.J.M. No. 1 asking for an appropriation for the Yellowstone National Park beg to report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Printing begs leave to report C.B. No. 25—"An act to provide for the erection of a Territorial prison and the custody and labor of Territorial prisoners" together with the proposition of John R. King and T.L. Ash as correctly printed.

Sutherlin, Chairman

Mr. President,

Your Enrolling Committee would respectfully report that C.B. No. 3—"Amending the Probate Practice Act" was presented to the Governor for his consideration at 2 P.M., Feb. 8, 1887.

Kennedy, Chairman

Mr. President,

Your Enrolling Committee to which was referred C.J.R. No. 6, authorizing appointment of Joint Committee to meet similar Committee from Dakota to consider measurers for the prevention and suppression of contagious diseases among stock, and C.J.M. No. 2, asking that the office of U.S. Surveyor General

be not abolished in the Territories, would respectfully report them correctly enrolled.

Kennedy, Chairman

C. Bills Nos. 22 and 23 were placed on general orders.

C.J.M. No. 1 was placed on file for third reading.

C.B. No. 25 was referred to Committee on Internal Improvements.

C.B. No. 6 was referred to Committee on Engrossment.

Mr. President announced the signing of H.J.M. No. 6.

Collins by unanimous consent introduced C.J.R. No. 7, to defray the expense of telegraphing C.J.M. No. 2 to the Delegate in Congress.

Read first and second times.

On motion of Kennedy, the rules were suspended, the Resolution considered engrossed, read the third time, placed on its final passage and passed by the following vote.

Ayes—Batchelder, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—None. Absent Cardwell. Title agreed to.

Kennedy moved that the Journal be corrected so as to show that the Council Substitute for H.B. No. 1 was adopted by the Council, which motion, after discussion, was withdrawn.

On motion of Rickards, the vote by which Council Substitute for H.B. No. 1 passed the Council was reconsidered and the Substitute for H.B. No. 1 reported by Committee on Judiciary as amended upon recommendation of Committee of the Whole was adopted and referred to Committee on Engrossment.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 8th 1887

Mr. President,

I am directed by the House to inform your Honorable body that Harwood introduced H.B. No. 55—"A bill for an act to authorize the organization and incorporation of building and loan associations." Ordered printed.

The House insists on its non-concurrence to amendments to H.B. No. 3 and respectfully ask for a Committee of Conference. H.B. No. 3 is herewith transmitted.

H.B. No. 26 has passed the House and is herewith transmitted.

Mr. Speaker has signed H.J.M. No. 6.

David Marks, Chief Clerk

On motion of Collins, the Chair was authorized to appoint a Committee of two on the part of the Council to confer with a like Committee of the House upon H.B. No. 3.

Sutherlin and Holliday were appointed such Committee.

On motion of Collins, the rules were suspended, H.B. No. 26 was read first and second times by its title and referred to Committee on Elections.

C.J.M. No. 1 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters - 10.

Noes—Kennedy and Mr. President - 2. Title agreed to.

On motion of Pardee, H.B. No. 1 and C. Substitute therefor were withdrawn from Committee on Engrossment and referred to Committee on Judiciary.

The Council resolved itself into Committee of the Whole. Rickards in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

The Council resolved itself into Committee of the Whole. Rickards in the Chair.

Council resumed. Mr. President in the Chair.

Mr. President announced signing C.J.M. No. 2.

The following Report was received.

Mr. President,

Your Committee of the Whole having under consideration the bills hereinafter mentioned respectfully report.

We recommend that the amendments to H.B. No. 5 reported by the Committee on the Judiciary be adopted with this exception, that Section 9 be amended by striking out all after the word "husband" in fourth line from end of Section and that as amended, the bill do pass.

We recommend that C.J.R. No. 5 be amended by striking out the words "Report of the Law Division of the Montana Library" and "Report of the Contractor for the care and maintenance of the indigent insane" and that as amended it do pass.

We recommend that C.B. 23 do pass.

J.E. Rickards, Chairman

On motion of Collins, the amendments to H.B. No. 5 were adopted. H.B. No. 5, C.B. No. 23 and C.J.R. No. 5 were referred to Committee on Engrossment.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 9th 1887

Mr. President,

I am directed to return to your Honorable body H.J.M. No. 7, its history having been properly corrected.

David Marks, Chief Clerk

H.J.M. No. 7 was placed on general orders.

Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## THIRTY SECOND DAY

Council Chamber, Helena, Montana  
February 10th 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirty first day read and approved.

Pardee presented a remonstrance of citizens of Philipsburg, Deer Lodge County, against repeal of the law licensing commercial travelers.

Received and referred to Committee on Ways and Means.

The following Reports were received.

Mr. President,

Your Committee on Education and Labor to whom was referred C.B. No. 21—"Relating to a Territorial Board of Arbitration" return the same with amendments hereto attached and recommend it do pass as amended.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Education and Labor to whom was referred Substitute for H.B. No. 13—"Relating to Variety Theatres" herewith return the same with recommendation that it do pass.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred C.B. No. 18—"A bill for an act in relation to County Assessors" have duly considered the same and beg leave to report it back without recommendation.

J.K. Pardee, Chairman

Mr. President,

Your Committee on Printing beg leave to report C.B. No. 24—"An act to protect children from neglect and cruelty and relating to their employment, protection and adoption" and C.B. No. 27—"An act to punish persons for making fraudulent pedigrees of live stock" as correctly printed.

Sutherlin, Chairman

Mr. President,

Your Committee on Agriculture and Manufactures to which was referred C.B. No. 12—"To provide for the posting of estrays in this Territory" would recommend the following amendments.

In Section one, strike out all the words between the word "animals" in second line (1st line printed bill) and the word "found" in the seventh line (3rd line printed bill).

In Section 1, line 10 (line 4, printed bill), strike out the words "and treated as such".

In Section 3, line 13 (line 5, printed bill) strike out the words "one dollar" and substitute therefore the words "fifty cents".

In Section 4, line 14 (line 5, printed bill) insert after the word "publication" the words "said newspaper".

In Section 4, line 15 (line 6, printed bill) strike out the words "and fifty cents".

In Section 4, line 24 (line 9, printed bill) strike out the words "one dollar" and substitute therefor the words "fifty cents".

And the Committee recommends the passage of the bill as amended.

Cardwell, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.J.R. No. 5—"Providing for printing the Governor's Message and other documents", C.B. No. 23—"A bill for an act to punish seduction" and Council amendments to H.B. 5 beg to report them correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Towns and Counties to whom was referred C.B. No. 26—Entitled "A bill for an act to provide compensation for Samuel Snyder for the Assessment of Meagher and Fergus Counties" have had the same under consideration and beg leave to report the Bill back with the accompanying amendments and as so amended, recommend that it do pass.

Cardwell, Chairman

Mr. President,

Your Committee on Ways and Means, to whom was referred C.B. No. 17—"For the relief of A.W. Tanner" have duly considered the same and beg leave to report it back with the recommendation that it do not pass.

J.K. Pardee, Chairman

On motion of Kennedy, C.B. No. 6 was withdrawn from Committee on Engrossment and was amended by striking out the word "fifty" in line 19 and inserting in lieu thereof the word "Twenty" and again referred to Committee on Engrossment.

On motion of Kennedy, the amendments to C.B. No. 21 were adopted and the bill placed on general orders.

H.B. No. 13, C.B. No. 18 and C.B. No. 17 were placed on general orders.

On motion of Kennedy the amendments to C.B. No. 12 were adopted and the bill placed on general orders.

C.B. No. 24 was referred to Committee on Education and Labor.

C.B. No. 27 was referred to Committee on Grazing and Stock-growing.

C.J.R. No. 5, C.B. No. 23 and H.B. No. 5 were placed on file for third reading.

On motion of Cardwell, the amendments to C.B. 26 were adopted and the bill placed on general orders.

Notices of introduction of bills were given as follows:

By Rickards, a bill for an act relating to changing names of persons and places. Also a bill for an act providing for the adoption of children.

By Pardee, a bill for an act increasing the salary of the Territorial Treasurer. Also a bill for an act to increase the official bond of the Territorial Treasurer.

Cardwell, no objection being made thereto, introduced C.J.M. No. 3, relative to pioneer settlers of the Yellowstone National Park.

Read first and second times and on motion of Sutherlin, referred to Committee on Federal Relations.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 9th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills were given as follows:

By Muth, a bill for the relief of Messrs. Fisk Bros.

By Gorham, a bill for an act concerning the Lord's day.

By Wilson, a bill for an act to amend an act concerning the representation of Quartz lodes.

By Toole, a bill relating to marriage license.

Bills were introduced as follows:

By Harwood, H.B. No. 56—"A bill for an act to amend an act entitled an act to create the County of Yellowstone and for the election of officers thereof." Ordered printed.

By Joint Library Committee, H.B. No. 57—"An Act reorganizing and consolidating the Montana library." Ordered printed.

H. Bills Nos. 25 and 28 have passed the House and are herewith transmitted.

David Marks, Chief Clerk

H.B. No. 25 was read first and second times and referred to Committee on Ways and Means.

H.B. No. 28 was read first and second times and on motion of Waters, referred to Committee on Incorporations.

H.B. No. 5 was read the third time and passed as amended by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—Kennedy - 1. Title agreed to.

C.J.R. No. 5 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherling, Thompson, Waters and Mr. President - 12.

Noes—none.

On motion of Kennedy the title of C.J.R. No. 5 was amended so as to read "Providing for the printing of the Governor's Message".

C.B. No. 23 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—none. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Rickards in the Chair.

Council resumed. Mr. President in the Chair.

Mr. President announced the signing of C.J.R. No. 6.

Rickards, Chairman of the Committee of the Whole, reported progress and was granted time to prepare report.

On motion of Collins, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk

## THIRTY THIRD DAY

Council Chamber, Helena, Montana  
February 11th 1887

Council met at 10 O'clock A.M. Pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of thirty second day read and approved.

Rickards presented petitions of residents of Silver Bow County asking for such legislation as will leave Variety Theatres to the care of municipal Governments of the Territory.

Received and placed on file.

The following Reports were received.

Mr. President,

Your Engrossing Committee to whom was referred C.B. No. 6—"A bill for an act to amend article 1, of Chapter XV of the Fifth Division of the Revised Statutes of Montana" beg to report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Enrolling Committee begs leave to report that C.J.R. No. 6 for the appointment of a committee to meet a like body from Dakota to arrange measures for the prevention and suppression of contagious diseases among cattle was presented to the Governor at 2 P.M. Feb. 10, 1887.

Kennedy, Chairman

Mr. President,

Your Committee to whom was referred C.J.M. No. 3, relative to Pioneer Settlers of the Yellowstone National Park, have had the same under consideration and beg leave to report the same back wit<sup>h</sup> recommendation that it do pass.

Hundley, Chairman

Mr. President,

I am instructed by the Committee of the Whole to report that having under consideration C.B. No. 16 the Committee recommend the following amendments thereto.

Amend Section 8 by striking out the words "The Auditor shall have power to call for special reports from all or any particular bank whenever in his judgment the same may become necessary".

Amend Section 11 by striking out all after the word "overdue".

Amend Section 15 by inserting after the words "Felony and" in eleventh line (fifth line printed bill) the words "upon conviction thereof".

Amend Section 16 by inserting after the word "Bank" in line 1 the words "incorporated under the provisions of this act".

And that as amended it do pass.

That C.B. No. 12 was under consideration, not having completed it, your Committee ask for further time.

J.E. Rickards, Chairman

C.B. No. 6 was ordered placed on calendar for third reading.

On motion of Cardwell, the rules were suspended, C.J.R. No. 3 was considered engrossed and placed on calendar for third reading.

On motion of Kennedy, the amendments to C.B. No. 6 were adopted and the bill and amendments referred to Committee on Engrossment.

Notices of introduction of bills were given as follows:

By Rickards, a bill for an act to amend section 504 of the fifth division of the Revised statutes.

By Sutherlin, a bill for an act to restrict the use of poison for bait in killing wild animals.

Bills were introduced as follows:

By Pardee, C.B. No. 30—"A Bill for an act to amend sections 77 and 81 of the fifth division of the General Laws of Montana."

Read first and second times and referred to Committee on Printing.

By Rickards, C.B. No. 31—"A Bill for an act to authorize the changing the names of persons and places."

Read first and second times and referred to Committee on Printing.

By Rickards, C.B. No. 32—"A Bill for an act providing for the adoption of children."

Read first and second times and referred to Committee on Printing.

The following report was received.

Mr. President,

Your Committee on Internal Improvements, to whom was referred C.B. No. 25—"Relating to the building of a territorial prison" report the same back with the following amendments, strike out the word "two" in line 5, section 3, printed bill and insert in lieu thereof the word "ten"; also in line 11 of proposition after the word "with" strike out the word "two" and insert in lieu thereof the word "ten" and with the above amendments recommend that it do pass.

Waters, Chairman

On motion of Kennedy, the amendments to C.B. No. 25 were adopted and the bill placed on general orders.

The following report was received.

Mr. President,

Your Committee on Judiciary to whom was referred H.B. No. 1—"Concerning the crime of rape" herewith return the same with the recommendation that all after the enacting clause be stricken out and in lieu thereof the amendments hereto attached be added and as amended that it do pass.

T.E. Collins, Chairman

On motion of Collins, the amendments to H.B. No. 1 as this day reported by Committee on Judiciary were adopted and the bill was referred to Committee on Engrossment.

On motion of Pardee, the following resolution was adopted. Resolved by the Fifteenth Legislative Council that the Governor be requested to furnish the Legislature, at his earliest convenience, a statement of all the fees and emoluments of the offices of the Territorial Auditor and Treasurer for the years 1885 and 1886 and that the Secretary of the Territory furnish the Legislature with a copy of the reports of the Governor in regard to said offices as required by section 85 of the fifth division of the General Laws of Montana.

J.K. Pardee, Chairman

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that notices of the introduction of bills were given as follows:

By Marshall, a bill for an act to amend an act authorizing the Governor to contract for the keeping and maintenance of territorial prisoners, also, a bill for an act to amend the law on the subject of publication of summons, also, a bill for an act to amend the law concerning the appointment of guardians for the insane.

By Harwood, a bill for an act to amend an act entitled an act to authorize County Commissioners to issue bonds to redeem outstanding indebtedness approved March 6th 1883.

Bills were introduced as follows.

By Gorham, H.B. No. 58—"A bill for an act concerning the Lord's day." Ordered printed.

By Wilson, H.B. No. 59—"An Act concerning the representation of quartz lodes." Ordered printed.

C.J.R. No. 7, under a suspension of the rules, and H.B. No. 6 have passed the House and they are herewith transmitted.

Mr. Speaker has signed C.J.R. No. 6.

David Marks, Chief Clerk

C.J.R. No. 7 was referred to Committee on Enrollment.

H.B. No. 6 was read first and second times and on motion of Pardee, referred to Committee on Judiciary.

C.J.M. No. 3 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherling, Thompson, Waters and Mr. President - 12.

Noes—None. Title agreed to.

C.B. No. 6 was read the third time and lost by the following vote.

Ayes—Collins, Holliday, Hundley, Pardee, Thompson - 5.

Noes—Batchelder, Cardwell, Kennedy, Rickards, Sutherlin, Waters, Mr. President - 7.

Cardwell gave notice of motion to reconsider the vote on C.B. No. 6.

The following communications from the Governor were received.

Executive Department  
Helena, Feby 11, 1887

Gentlemen of the Council and House of Representatives.

Having taken the oath as required by the law and entered upon duties of the office of Governor of the Territory of Montana and finding you the Legislative branch of the Government of said Territory in regular session, I hereby make known to you that I have selected and shall trust my friend, Harry L. Luke, to be and act as private secretary of the Governor and through and by him will be communicated to you such information from time to time during this session of your service as shall seem to be proper from the Executive Department of the Government.

Respectfully  
P.H. Leslie

Territory of Montana  
Governor's Office  
Helena, Feby 11, 1887

To the Legislative Council,

I have the honor to inform the Council that on the 10th day of this month I approved the joint resolution which originated in your House and was adopted by both the Council and House of Representatives entitled, Council Joint Resolution authorizing the appointment of a Committee to confer with the authorities of Dakota in relation to measures for the prevention and suppression of contagious diseases among live stock.

Respectfully  
P.H. Leslie, Governor

Territory of Montana  
Governor's Office  
Helena, Feby 11, 1887

To the Legislative Council,

I have the honor to advise you that on the 8th day of February 1887, I approved the Bill No. 3, which originated in your body entitled "A Bill amending the Probate Practice Act".

Respectfully  
P.H. Leslie, Governor

The Council resolved itself into Committee of the Whole for the consideration of general orders, Holliday in the Chair.

Council resumed. Mr. President in the Chair.

Holliday, Chairman of Committee of the Whole, reported progress and asked leave to sit again.

Council took a recess until 2 O'clock P.M.

Council resumed. Mr. President in the Chair.

Roll called—Quorum present.

Mr. President presented petition of residents of Madison County for law granting bounty for killing ground squirrels, which was received and ordered placed on file.

The following report was received.

Mr. President,

Your Committee on Education and Labor to whom was referred C.B. No. 24 herewith return the same with the recommendation that it do pass.

J.E. Rickards, Chairman

C.B. No. 24 was placed on general orders.

Bills were introduced as follows:

By Thompson, C.B. No. 33—"An act relating to the assessment and levy of taxes."

Rules suspended, read first and second times by its title and referred to Committee on Printing.

By Rickards, C.B. No. 34—"A Bill for an act to amend Section 504 of the fifth division of the Revised statutes." Read first and second times and referred to Committee on Printing.

Pardee offered the following resolution. Hundley in the Chair. Resolved by the Fifteenth Legislative Council, that the Territorial Treasurer furnish the Legislature with a report of the rate of and amount of interest, money received by him, if any, from the loaning or depositing of the public funds during the years 1885 and 1886 and from whom received and by what authority he has done so.

J.K. Pardee

Pardee moved that the resolution be adopted, which was lost.

Mr. President in the Chair.

The Council resolved itself into Committee of the Whole. Holliday in the Chair.

Council resumed. Mr. President in the Chair.

Holliday, Chairman of the Committee of the Whole, reported consideration of bills and was granted time to prepare report.

On motion of Hundley, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## THIRTY FOURTH DAY

Council Chamber, Helena, Montana  
February 12th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of thirty third day read and approved.

The following petitions were presented.

By Thompson, Petitions of residents of Custer County for law protecting women and for local option law.

By Pardee, Petitions of residents of Drummond and New Chicago, Deer Lodge County, for law prohibiting employment of women and minors in public drinking resorts.

By Kennedy, Petitions of residents of Missoula County for law requiring saloons, stores, etc. to be closed on Sunday. Also, Petitions for law prohibiting gambling.

Received and placed on file.

The following Reports were received.

Mr. President,

Your Committee on Engrossment to whom was referred Council amendments to H.B. No. 1, also C.B. No. 16—"A bill for an act concerning banks and banking" beg to report they have examined the same and report them correctly engrossed.

Holliday, Chairman

Mr. President,

Your Enrolling Committee to which was referred C.J.R. No. 7 to defray the expense of telegraphing C.J.M. No. 2 to our delegate in Congress begs leave to report it correctly enrolled.

Kennedy, Chairman

Mr. President,

I am instructed by the Committee of the Whole to report that C.B. No. 22—"A bill to encourage tree planting and arboriculture in Montana" has been considered and to report the same back with the annexed amendments thereto and with the recommendation that said amendments be adopted and that as amended the bill do pass.

Holliday, Chairman

Mr. President,

I am instructed by the Committee of the Whole to report back C.B. No. 21 as having been considered and with the recommendation that the amendments to the bill hereto annexed be adopted and that as amended the bill do pass.

Holliday, Chairman

Mr. President,

I am instructed by the Committee of the Whole to report back H.J.M. No. 7 as having been considered and with the recommendation that the same do not pass.

Holliday, Chairman

Mr. President,

I am instructed by the Committee of the Whole to report back C.B. No. 12—"An Act providing for the posting of estrays in this Territory" as having been considered and with the recommendation that the amendments hereto annexed be adopted and that as amended the bill do pass.

Holliday, Chairman

H.B. No. 1 as amended and C.B. No. 16 were placed on calendar for third reading.

On motion of Kennedy, the amendments to C.B. No. 22 were adopted and the bill and amendments referred to Committee on Engrossment.

On motion of Kennedy, the amendments to C.B. No. 21 were adopted and the bill and amendments were referred to Committee on Engrossment.

H.J.M. No. 7 was placed on calendar for third reading.

On motion of Kennedy, the amendments to C.B. No. 12 were adopted and the bill and amendments referred to Committee on Engrossment.

Cardwell moved that the vote by which C.B. No. 6 was lost on yesterday be reconsidered, which was carried by the following vote.

Ayes—Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—Batchelder, Kennedy - 2.

Cardwell moved that the bill be referred to a select committee of three. Carried, and Cardwell, Waters and Thompson were appointed such Committee.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 11, 1887

Mr. President,

I am directed by the House to inform your honorable body that the Chair has appointed on the part of the House as conference committee on H.B. No. 3 Messrs. Blake and Brown.

H.B. No. 17 has been laid on the table.

Notice was given by Alderson of a bill for an act to encourage the constructing of irrigating canals; also, a Joint Memorial to the Interior Department regarding the Fort Ellis Military Reservation.

The following resolution has been adopted by the House. Resolved by the House of Representatives, the Council concurring, that a joint committee composed of five members of the House and three from the Council be and are hereby appointed to proceed to the Penitentiary and Asylum for the Insane and make a thorough examination of the manner of conducting said institutions together with the capacity and needs of the buildings to comfortably care for the inmates and report to the Legislative Assembly the

result of their investigations together with such recommendations as they may deem necessary by bill or otherwise.

David Marks, Chief Clerk

H.J.M. No. 7 was read the third time. Collins moved that the Memorial be referred to a select committee. Carried; and Holliday, Collins and Kennedy appointed such committee.

H.B. No. 1 was taken up. On motion of Collins, the rules were suspended, the bill read the third time by its title and passed as amended by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

C.B. No. 16 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders, Collins in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

The Committee of the Whole have had under consideration H.B. No. 13 and have added a new section as follows: "Section 4—That hereafter it shall be unlawful for any person, persons, company or corporation to sell or dispose of any spirituous, vinous or malt liquor in any room, hall or other place where women or minors are employed or are allowed to assemble for the purpose of the business therein carried on" and that as so amended it do pass.

The Committee have considered C.B. No. 18 and recommend that it do pass.

T.E. Collins, Chairman

Mr. President announced the signing of C.J.R. No. 7.

On motion of Hundley, the amendments to H.B. No. 13 were adopted and referred to Committee on Engrossment.

C.B. No. 18 was referred to Committee on Engrossment.

Rickards (by consent) gave notice of introduction of a bill for an act relating to our National Guard.

Leave of absence was granted to Rickards for Monday next.

On motion of Cardwell, Council adjourned until Monday next at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## THIRTY SIXTH DAY

Council Chamber, Helena, Montana  
February 14th 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirty fourth day read and approved.

The following petitions were presented.

By Collins, Petitions of residents of Fort Benton for protection of women and Local Option Law.

Petitions received and ordered placed on file.

The following reports were received.

Mr. President,

Your Committee on Grazing and Stock-growing to whom was referred C.B. No. 27—"A bill for an act to punish persons for making fraudulent pedigrees" have had the same under consideration and have directed me to report the bill back with the accompanying amendments and as amended recommend that the same do pass.

Hundley, Chairman

Mr. President,

Your Committee on Engrossment, to whom was referred C.B. No. 22—"A bill for an act to encourage tree planting and arboriculture in Montana" and Council amendment to Substitute for H.B. No. 13, report them correctly Engrossed.

Holliday, Chairman

On motion of Hundley, the amendments to C.B. No. 27 were adopted and the bill was referred to the Committee on Engrossment.

Notices of the introduction of Bills were given as follows:

By Collins, a bill for an act to prohibit the sale of intoxicating liquors to certain persons outside the limits of incorporated towns or cities, or any legally established townsite, wherein is established a post office; also, regulating liquor licenses, providing a registration law for Montana, creating the office of Attorney General, providing for taking the census of Montana during 1887, enlarging the powers and duties of County Clerks.

By Sutherlin, A bill for an act to suppress and prevent the dissemination of scab and contagious or infectious diseases among sheep, also, a bill for an act to amend Section 968 of the Fifth Division of the revised statutes.

By Cardwell, a bill for the care and support of orphan children.

Bills were introduced as follows:

By Sutherlin, C.B. No. 35—"A bill for an act to restrict the use of poison for bait in killing wild animals." Read first and second times and referred to Committee on Printing.

By Collins, C.B. No. 36—"A bill for an act to provide for the appointment and to prescribe the duties of a Public Examiner for the Territory of Montana." Read first and second times and referred to Committee on Printing.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 12th 1887

Mr. President,

I am directed by the House to inform your Honorable body that the House refuses to concur in Council amendments to H.B. No. 5 and respectfully asks the Council to recede therefrom. The bill is herewith returned.

White gave notice of a bill to amend Section 648 Fifth Division Revised Statutes of the Territory of Montana.

Bills were introduced as follows:

By Muth, H.B. No. 60—"An act for the relief of Fisk Bro's." Ordered printed, Also,

H.B. 61—"An act to amend an act entitled an act to enable the County of Lewis and Clarke to build a Court House." Ordered printed.

By Harwood, H.B. No. 62—"A bill for an act to amend an act to authorize County Commissioners to issue bonds to redeem outstanding indebtedness approved March 6th 1883." Ordered printed.

C.B. No. 20 was read a third time and lost and the same is herewith transmitted.

David Marks, Chief Clerk

On motion of Collins, the Council refused to recede from amendments to H.B. No. 5.

On motion of Collins, consideration of H.B. No. 13 was laid over until tomorrow.

C.B. No. 22 and H.B. No. 13 were placed on Calendar for third reading.

C.B. No. 22 was read a third time and passed by the following vote.

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Pardee, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—None. Absent Rickards. Title agreed to.

Council resolved itself into Committee of the Whole, Cardwell in the Chair.

Council resumed. Mr. President in the Chair.

Cardwell, Chairman of Committee of the Whole, reported consideration of C. Bills Nos. 17 and 26 and asked for time to report.

On motion of Pardee, Chief Clerk Davis was granted leave of absence for one day.

On motion of Waters, Council took recess, until 2 O'clock P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

House resolution in reference to appointing a Joint Committee to visit the Penitentiary and Asylum for the Insane was again read.

Collins moved, as an amendment, that the number of the Committee be reduced from eight to five, which was lost. Resolution was concurred in.

Council then resolved itself into Committee of the Whole.

Sutherlin in the Chair.

Council resumed. Mr. President in the Chair.

The following reports were received.

Mr. President,

Your Committee of the Whole have had under consideration C.B. No. 17—"An act for the relief of A.W. Tanner" beg leave to report the same back with recommendation that it do not pass.

Also C.B. No. 26, which is reported back with recommendation that it be referred to Committee on Judiciary for amendment.

Cardwell, Chairman

Mr. President,

Your Committee on Agriculture and Manufactures to whom was referred C.B. No. 15 have had the same under consideration and beg leave to report the bill back with the recommendation that it do pass.

Cardwell, Chairman

Mr. President,

Your Committee of the Whole House have had under consideration C.B. No. 25—"For the erection of a Territorial prison" begs leave to report the same back with amendments and recommend that the bill as amended be referred to Special Committee of three.

Sutherlin, Chairman

On motion of Collins, the report of Committee of the Whole on C.B. No. 17—"An act for the relief of A.W. Tanner" was adopted and bill laid on the table.

On motion of Kennedy C.B. No. 26 was referred to Committee on Judiciary as recommended.

On motion of Kennedy, C.B. No. 15 was placed on general orders.

On motion of Collins, C.B. No. 18 was recalled from Engrossing Committee to be made a special order for tomorrow at 11 O'clock.

On motion, the recommendations of the Committee of the Whole were adopted.

Mr. President appointed Collins, Kennedy and Waters as a Select Committee to consider C.B. No. 25 as recommended by the Committee of the Whole.

On motion of Kennedy, Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## THIRTY SEVENTH DAY

Council Chamber, Helena, Montana  
February 15th 1887

Council met at 10 O'Clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirty sixth day read and approved.

Petitions were presented as follows:

By Waters, Remembrance of citizens of Dawson County against raising price of license for sale of liquors. Referred to Committee on Ways and Means.

By Kennedy, Petition of citizens of Missoula County concerning registration law. Referred to Committee on Elections.

The following reports were received.

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 27—"A bill for an act to punish persons for making fraudulent pedigrees of live stock", C.B. No. 12—"An act providing for the posting of Estrays in this Territory", C.B. No. 21—"An Act to provide for a Territorial board of arbitration for the settlement of differences between employers and employees" beg to report them correctly Engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Enrollment begs leave to report that C.J.R. No. 7, providing for telegraphing C.J.M. No. 2 to delegate Toole, was presented to the Governor for his approval at 4 P.M. Feby 14, 1887.

Kennedy, Chairman

C.B. No. 27, C.B. No. 12 and C.B. No. 21 were placed on calendar for third reading.

Kennedy gave notice of introduction of a bill for an act concerning marriages.

On motion of Collins, the following Resolution was adopted.

Resolved by the Council, the House concurring, that the Chairman of the Committee on Printing in the two Houses be and they are hereby authorized and directed to contract with the Independent and Herald Printing Establishments at Helena, M.T. for the printing of the Revenue bill, Road bill and other bills of a general nature for the use of the Legislative Assembly and at the expense of the Territory.

(Collins)

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 14th 1887

Mr. President,

I am directed by the House to inform your Honorable body that H. Bills 27, 42, 44 and 54 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

H.B. No. 37 was read first and second times and placed on general orders.

H.B. No. 42 was read first and second times and referred to Committee on Elections.

H.B. No. 44 was read first and second times and referred to Committee on Towns and Counties.

On motion of Collins, the rules were suspended and H.B. No. 54 was read first and second times by its title and referred to Committee on Judiciary.

Communications from the Governor were received as follows:

A communication announcing his approval and signing of C.J.R. No. 7. Also,

A communication in regard to statements of fees and emoluments of the offices of Territorial Auditor and Treasurer with accompanying statements from the Territorial Auditor and Treasurer. Referred to Committee on Ways and Means. Also,

A communication accompanied by Reports of the Board of Stock Commissioners. Referred to Committee on Grazing and Stock-growing.

Collins, by consent, introduced C.B. No. 37—"A bill for an act to prohibit the sale of intoxicating liquors, outside the limits of any incorporated, town or city or any legally established town site, wherein is established a Post Office, to certain persons."

Read first and second times and referred to Committee on Printing.

The hour for which C.B. No. 18 was made the special order, having arrived, the same was taken up.

On motion of Collins, the bill was amended by striking out Sections 1 and 2 and inserting in lieu thereof the following:

Section 1. That the Assessor of each County of the Territory shall be entitled to receive as fees from their respective counties, such sums as the Board of County Commissioners may in their discretion audit and allow, not to exceed a percentage of the assessed valuation returned by them, subject to all reductions made by the Board of Equalization to be computed as follows:

On the first one million dollars, or fraction thereof, one mill on each dollar of assessed evaluation; on all amounts over one million and less than two million dollars, one half of one mill. On all amounts over two million dollars and less than three million dollars, one third of one mill, on all amounts over three million dollars and less than four million dollars of assessed valuation, one fourth of one mill, on all amounts over four million dollars and less than five million dollars, one fifth of one mill, on all sums over five million and less than six million dollars, one sixth of one mill and on all amounts of assessed valuation, over six million dollars, one eighth of one mill on each dollar so assessed and returned.

H.B. No. 18 and amendments were referred to Committee on Engrossment.

The third reading of H.B. No. 13 was postponed until this afternoon.

C.B. No. 12 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Sutherlin, Thompson, Waters and Mr. President - 10.

Noes—None. Absent Pardee, Rickards - 2.

On motion of Kennedy, the title of the bill was amended so as to read as follows: "An act providing for the posting of Estrays".

C.B. No. 21 was read the third time and passed by the following vote.

Ayes—Cardwell, Collins, Holliday, Hundley, Kennedy, Sutherlin, Thompson, Waters, Mr. President - 9.

Noes—Batchelder - 1. Absent Pardee, Rickards - 2. Title agreed to.

C.B. No. 27 was read third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Pardee, Rickards - 2.

On motion of Hundley, the title of the bill was amended so as to read "A bill for an act to punish persons for making or using fraudulent pedigrees of live stock".

The following communication from the House was received.

House of Representatives, Helena, M.T.  
February 14th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills were given as follows:

By Marshall, a bill for an act creating the office and defining the duties of Attorney General of the Territory.

By Page, a bill for an act to provide for or preventing the evils of intemperance by local option in any County in this Territory, by submitting the question of prohibiting the sale of intoxicating liquors to the qualified voters of such County, to provide penalties for its violation and other purposes.

Bills were introduced as follows:

By White, H.B. No. 63—"An act to amend Section 648 of the Fifth Division of the Revised Statutes of Montana." Ordered printed.

By Marshall, H.B. No. 64—"An act concerning the publication of summons." Ordered printed.

The House insists upon its non-concurrence of H.B. No. 5 and asks for a Committee of Conference.

The bill is herewith transmitted.

David Marks, Chief Clerk

On motion of Kennedy, the Council acceded to the request of the House for a Committee of conference on H.B. No. 5 and the Chair appointed Collins, Rickards and Thompson as such Committee to act on the part of the Council.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 15th 1887

Mr. President,

I am directed by the House to inform your Honorable body that H.J.R. No. 3 has passed the House and the same is herewith transmitted.

David Marks, Chief Clerk

H.J.R. No. 3 was read first and second times and referred to Committee on Ways and Means.

Council took a recess until 2 P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The council resolved itself into Committee of the Whole for the consideration of general orders. Rickards in the Chair.

Council resumed. Mr. President in the Chair.

Rickards, Chairman of Committee of the Whole, reported consideration of C.B. No. 24, H.B. 37 and C.B. 15 and was granted further time to prepare report.

H.B. No. 13 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

On motion of Collins, Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk

## THIRTY EIGHTH DAY

Council Chamber, Helena, Montana  
February 16th 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of thirty seventh day read and approved.

The following reports were received.

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 18—"A bill for an act in relation to fees of County Assessors" beg to report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee of the Whole having had under consideration C.B. No. 24—"An act relating to the protection, employment and adoption of children", also, H.B. No. 37—"An act concerning the compensation of certain officers" have instructed me to report the same back with accompanying amendments and with the recommendation that as amended they do pass.

The Committee also had under consideration C.B. No. 15—"An act relating to fencing Railroads and erection of Cattle Guards" and have instructed me to report the same back with the recommendation that it be referred to a Special Committee.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Printing begs leave to report C.B. 30—"A bill for an act to amend Sections 77 and 81 of the Fifth Division of the Revised Statutes", C.B. No. 31—"An act to authorize the changing the names of persons and places", C.B. No. 32—"A bill for an act providing for the adoption of children", C.B. 34—"An act to amend Section 504 of the Fifth Division of the Revised Statutes" and C.B. No. 35—"A bill for an act to restrict the use of poison for bait in killing wild animals" as correctly printed.

Sutherlin, Chairman

C.B. No. 18 was placed on calendar for third reading.

On motion of Kennedy, the amendments to C.B. No. 24 were adopted.

On motion of Kennedy, the amendments to H.B. No. 37 were adopted.

C.B. No. 24 and H.B. No. 37 were referred to Committee on Engrossment.

On motion of Kennedy, the recommendations of the Committee of the Whole concerning C.B. No. 15 were adopted and the bill was referred to a Select Committee, consisting of Thompson, Cardwell and Kennedy.

C.B. No. 30 was referred to Committee on Ways and Means.

C.B. No. 31 and C.B. No. 32 were referred to Committee on Judiciary.

C.B. No. 34 was referred to Committee on Education and Labor.

C.B. No. 35 was referred to Committee on Grazing and Stock-growing.

Notices of introduction of bills were given as follows:

By Waters, a bill entitled an act to provide for the levy and collection of taxes upon property of Railroad Companies in Montana Territory.

By Rickards, a bill for an act relating to Solicitors.

Kennedy introduced C.B. No. 38—"A bill for an act concerning marriage." Read first and second times and referred to Committee on Printing.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
February 15th 1887

Mr. President,

I am directed by the House to inform your Honorable body that H. Bills Nos. 24 and 40 have been laid on the table.

Notices were given as follows:

By Blake, a bill for an act to provide for the organization of railroad corporations and to regulate the operation thereof. Also, an act authorizing the appointment of stenographers of the District Courts. Also, an act to amend Section 16 of the Fourth Division of the Revised Statutes of Montana. Also, an act concerning the Education of deaf, mute and blind children.

By Muth, a bill for an act concerning the registration of voters in incorporated cities.

By Thompson, a bill to repeal Article 2 of the Fifth Division of the Revised Statutes of the Territory of Montana.

By Marshall, a bill concerning fences. Also, a bill for an act concerning the alienating of mining property by corporations.

Page introduced H.B. No. 65—"A bill for an act to provide for preventing the evils of intemperance by local option in any County in this Territory by submitting the question of prohibiting the sale of intoxicating liquors to the qualified voters of such County, to provide penalties for its violation and other purposes." Ordered printed.

The House has concurred in Council Concurrent Resolution providing for the printing of certain bills.

David Marks, Chief Clerk

C.B. No. 18 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—Rickards - 1. Absent Pardee. Title agreed to.

On motion of Kennedy, the Council adjourned until tomorrow at 10 O'Clock A.M.

Reuben L. Davis, Chief Clerk

## THIRTY NINTH DAY

Council Chamber, Helena, Montana  
February 17th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of thirty eighth day read and approved.

Petitions were presented as follows.

By Sutherlin, Petition of 76 residents of Wolf Creek and upper Judith Valley, Fergus County owning from 25 to 200 cattle each, asking for the repeal of an act for the better protection of live stock, approved March 12th 1885. Received and ordered placed on file.

By Holliday, Petition of residents of Livingston, Gallatin County in relation to licenses for selling liquors. Received and referred to Committee on Ways and Means.

The following Reports were received.

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 24—"A bill for an act relating to the protection, employment and adoption of children", Council amendment to H.B. No. 37 beg to report them correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Printing begs leave to report C.B. No. 36—"A bill for an act to provide for the appointment and prescribing the duties of a Public Examiner for the Territory of Montana" and C.B. No. 37—"A bill for an act to prohibit the sale of intoxicating liquors outside the limits of any incorporated town or city or any legally established townsite, wherein is established a post office to certain persons" as correctly printed.

Sutherlin, Chairman

Mr. President,

Your Committee on Incorporations to whom was referred H.B. No. 31—"Concerning the Trustees of religious Corporations" herewith return the same with recommendation that it do pass.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred C.B. No. 30 has had the same under consideration and report the same back with the following amendments.

Strike out after the word "with" in line eight, the word "two" and insert instead the word "six" and after the word "of" in line nine, the words,

"Eighty Thousand" and insert instead the words "One Hundred and Fifty Thousand" and with the above amendments, recommend that it do pass.

Waters, Chairman

Mr. President,

Your Committee on Grazing and Stock-growing to whom was referred C.B. No. 35—"An act to restrict the use of poison for bait in killing wild animals" have had the same under consideration and have amended the same by striking out in line 9, the words "or upon the range within five miles of". Also in line 14 the word "lands". Also in line 15 the word "range". And as amended the Committee recommend that the bill do pass.

Hundley, Chairman

Mr. President,

Your Special Committee to whom was referred C.B. No. 25—"A bill for an act to provide for the erection of a Territorial prison and the custody and labor of Territorial prisoners" has considered the same and recommend that the amendments hereto annexed be adopted and that as so amended, the bill do pass.

Collins  
Kennedy  
Waters

Mr. President,

Your Committee on Education and Labor to whom was referred C.B. No. 34 herewith return the same with recommendation that it do pass.

J.E. Rickards, Chairman

Mr. President,

Your Special Committee to whom was referred C.B. No. 6—"Bill for an act to amend article one of Chapter XV of the Fifth Division of the Revised Statutes of Montana, relating to Corporations for Industrial or Productive purposes" have had the same under consideration and beg leave to report the bill back recommending that it do pass.

Cardwell, Chairman

C.B. No. 24 and H.B. No. 37 were placed on calendar for third reading.

C.B. No. 36 was referred to Committee on Ways and Means.

C.B. No. 37 was referred to Committee on Education and Labor.

H.B. No. 31, C.B. No. 30, C.B. No. 35, C.B. No. 25, C.B. No. 34 were placed on general orders.

C.B. No. 6 was placed on calendar for third reading.

Bills were introduced as follows;

By Rickards, C.B. No. 39—"A bill for an act to regulate soliciting by persons requiring the payment of money in advance or the delivery to them of property at the time of taking an order."

Read first and second times and referred to Committee on Printing.

By Waters, C.B. No. 40—"An act to provide for the levy and collection of taxes upon property of railroad companies in Montana Territory."

Read first and second times and referred to Committee on Printing.

By Sutherlin, C.B. No. 41—"A bill for an act to amend Section 968 of the Fifth Division of the Revised Statutes."

Read first and second times and on motion of Sutherlin, referred to Committee on Towns and Counties.

By Collins, C.B. No. 42—"A bill for an act to create the office of Attorney General, to define his powers and duties and for other purposes."

Read first and second times and referred to Committee on Printing.

Kennedy offered the following Resolution and moved its adoption which was lost.

Be it resolved by the Council that all Committees of this body are instructed to report all bills, now in their hands, within three days after the passage of this resolution and that all bills, hereafter referred to Committees, must be reported upon within two days after such reference.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
February 16, 1887

Mr. President,

I am directed by the House to inform your Honorable body the House has reconsidered C.C.R. relative to the printing of certain bills and the same has been referred to the Committee on Printing.

The House has concurred in Council amendments to H.B. 13.

The House has agreed to refer C.J.M. No. 1 to a Joint Committee consisting of 3 from the House and two of the Council and the Chair has appointed as such Committee on the part of the House, Messrs. Hoffman, Harwood and Alderson. The Memorial is herewith transmitted.

H. Bills No. 23, 43, 45 and H.J.M. No. 8, under a suspension of the rules, and C.J.M. No. 3 have passed the House and are herewith transmitted. C.J.R. No. 5 and C.B. No. 23 have been lost and they are herewith transmitted.

David Marks, Chief Clerk

On motion of Collins, the rules were suspended, H.B. No. 23 was read first and second times by its title and referred to Committee on Mines and Minerals.

H.B. No. 43 was read first and second times and referred to Committee on Agriculture and Manufactures.

H.B. No. 45 was read first and second times and referred to Committee on Judiciary.

H.J.M. No. 8 was read first time and on motion of Kennedy the consideration of the Resolution was indefinitely postponed.

C.J.M. No. 3 was referred to Committee on Engrossment.

On motion of Kennedy, the request of the House for the reference of C.J.M. No. 1 to a Joint Committee was acceded to and Holliday and Waters were appointed such Committee to act on the part of the Council.

H.B. No. 37 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee.

On motion of Collins, the title was amended so as to read, "A bill for an act to provide for Deputy County Treasurers and to fix their compensation".

C.B. No. 24 was read the third time and on motion of Rickards recommitted to Committee on Education and Labor.

C.B. No. 6 was read the third time and passed by the following vote.

Ayes—Collins, Cardwell, Holliday, Hundley, Thompson, Waters and Mr. President - 7.

Noes—Batchelder, Kennedy, Rickards and Sutherlin - 4. Absent Pardee.

Title agreed to.

On motion of Hundley, Council took a recess until 2:30 P.M.

2:30 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

On motion of Holliday, the House was requested to return to the Council H.J.M. No. 8.

By consent, the following Report was received.

Mr. President,

Your Committee on Education and Labor to whom was recommitted C.B. No. 24—"Relating to the protection, employment and adoption of children" herewith return the same with accompanying amendments with recommendation that as amended it do pass.

J.E. Rickards, Chairman

On motion of Rickards, the amendments to C.B. No. 24 were adopted and the bill and amendments referred to Committee on Engrossment.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Collins in the Chair.

Council resumed. Mr. President in the Chair.

The following Report was received.

Mr. President,

I am instructed by the Committee of the Whole to report that the bills hereinafter mentioned having been considered are reported back with the following recommendations.

That H.B. No. 31 do pass.

That the amendments to C.B. No. 35 as reported by the Committee on Grazing and Stock-growing be adopted and that the bill be referred to a Special Committee for further amendment.

That C.B. No. 34 do pass.

That the amendments to C.B. No. 25 which have been adopted, by the Committee, and annexed to the bill returned herewith be adopted and the bill be referred to the Committee on Engrossment.

T.E. Collins, Chairman

On motion of Batchelder, H.B. No. 31 was placed on calendar for third reading.

On motion of Batchelder, the amendments to C.B. No. 35 and recommendation of the Committee of the Whole in regard to the bill were adopted.

C.B. No. 34 was referred to Committee on Engrossment.

On motion of Collins, the following amendment to C.B. No. 25 was adopted.

Strike out of Sections 13 and 14 and all parts of said bill, the provisions that the officers be paid by the contractor, and that the Territory pay them as provided therein. Also.

Amend Section 15 so as to provide that said King and Ash, shall receive for the board of each convict the sum of seventy five cents per day.

On motion of Kennedy, the amendments to C.B. No. 25 recommended by Committee of the Whole were adopted and the bill and amendments referred to Committee on Engrossment.

By consent, the following report was received.

Mr. President,

Your Committee on Printing begs leave to report C.B. No. 38—"A bill for an act concerning marriage" as correctly printed.

Sutherlin, Chairman

C.B. No. 38 was referred to Committee on Judiciary.

On motion of Collins, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## FORTIETH DAY

Council Chamber, Helena, Montana  
February 18th 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of thirty ninth day read and approved.

The following Petitions were presented.

By Kennedy, Petition of residents of Missoula County for law requiring that saloons, stores, billiard rooms, billiard halls and barber shops, etc., be closed on Sunday.

By Hundley, protest of colored residents of Helena, M.T. against passage of bill known as the "Penitentiary Bill".

Received and ordered placed on file.

The following reports were received.

Mr. President,

Your Committee on Incorporations to whom was referred H.B. No. 28 herewith return the same with recommendation that it do pass.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 24—"A bill for an act relating to the protection, employment and adoption of children" beg to report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee to whom was referred C.B. No. 1—"A bill for an act amending Section 529 of the Fifth Division of the Revised Statutes of Montana" having had the same under consideration respectfully report the same back with the recommendation that it do pass.

Waters, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred substitute for H.B. No. 25 have had the same under consideration and report the same back with the recommendation that it do pass.

Waters, Acting Chairman

Mr. President,

The Judiciary Committee has considered H.B. No. 6—"A bill for an act to repeal Sections 201 and 202 and to amend Sections 198, 199 and 200 of the Fourth Division of the Revised Statutes of Montana" and begs leave to report it back and recommend it do pass.

Collins, Chairman

Mr. President,

Your Committee of Conference, composed of members of both Houses, to whom was referred C.J.M. No. 1 have had the same under consideration and respectfully report the Memorial back to the Council with the recommendation that it do pass without amendment.

W.W. Alderson C.W. Hoffman E.N. Harwood	of the House
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S.L. Holliday E.C. Waters	of the Council
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C.B. No. 35 was referred to Special Committee consisting of Thompson, Collins and Sutherlin.

H.B. No. 28, C.B. No. 1, H.B. No. 25 and H.B. No. 6 were placed on general orders.

C.B. No. 24 was placed on calendar for third reading.

On motion of Collins, the recommendations of the Joint Committee of Conference on C.J.M. No. 1 were adopted and the Memorial was ordered to be returned to the House.

Bills were introduced as follows:

By Rickards, C.B. No. 43—"An act to amend an act entitled an act to organize and regulate the militia approved March 10th 1885."

Read first and second times and referred to Committee on Printing.

By Cardwell, C.B. No. 44—"An Act for the care and maintenance of orphan Children."

Read first and second times and referred to Committee on Ways and Means.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 17th 1887

Mr. President,

I am directed by the House to inform your Honorable body that the House concurs in the first amendment to H.B. No. 10 and refuses to concur as to the second and respectfully ask the Council to recede therefrom.

The House does not concur in Council amendments to H.B. No. 1 and respectfully asks the Council to recede.

H.B. No. 16 has been laid on the table.

Notices were given as follows:

By Scobey, a bill for an act to provide for the disposition of trespassing swine.

By Hoffman, a bill to amend Sections 2 and 5 of an act entitled an act to protect game, fur bearing animals and fish approved March 8th 1883.

Bills were introduced as follows:

By Scobey, H.B. No. 72—"An act to amend Section 106 and 110 of Fifth Division of the Revised Statutes of Montana Territory." Ordered printed.

By Blake, H.B. No. 73—"An act authorizing the appointment of stenographers by the District Courts." Ordered printed.

By Armstrong, H.B. No. 74—"An act to encourage the construction of canals in the Territory of Montana." Ordered printed.

By Marshall, H.B. No. 75—"An act to create the office of Attorney General." Ordered printed.

H. Bills Nos. 51 and 61 have passed the House and they are herewith transmitted.

As per request, H.J.M. No. 8 is herewith returned.

David Marks, Chief Clerk

On motion of Kennedy, the Council refused to recede from amendment to H.B. No. 10 and asked for a Committee of Conference thereon. The Chair appointed Collins and Kennedy to act as such Committee on the part of the Council.

H.J.M. No. 8 was on motion of Holliday, read second time and referred to Committee on Public Lands.

On motion of Rickards, the Council refused to recede from amendment to H.B. No. 1 and requested that a Committee of Conference thereon be appointed. And Rickards and Waters were appointed to act as such Committee on the part of the Council.

H.B. No. 51 was read first and second times and referred to Committee on Judiciary.

H.B. No. 61 was read first and second times and referred to Committee on Federal Relations.

On motion of Rickards, the rules were suspended and Pardee was granted leave of absence for Tuesday, Wednesday and Thursday of this week.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 18th 1887

Mr. President,

I am directed by the House to inform your Honorable body that a Substitute for C.B. No. 11 was this day reported back by the Special Committee of members from Gallatin County, substitute adopted, rules suspended, substitute read third time by title and passed. Title agreed to. Substitute and original bill are herewith transmitted.

David Marks, Chief Clerk

The House Substitute for C.B. No. 11 was read.

On motion of Collins the Substitute was adopted and referred to Committee on Enrollment.

H.B. No. 31 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Kennedy. Title agreed to.

In conformity to C.J.R. No. 6, the Chair appointed Thompson and Kennedy to act on the part of the Council as the Special Joint Committee of the Council and House to confer with officials of Dakota Territory as to the adoption of measures looking to the prevention and suppression of contagious diseases among live stock, etc.

By consent the following Report was received.

Mr. President,

The Judiciary Committee has carefully considered C.B. No. 31—"An act to authorize the changing the names of persons and places." Also, C.B. No. 32—"An act providing for the adoption of children" and respectfully recommend that the bills do pass.

Collins, Chairman

C. Bills Nos. 31 and 32 were placed on general orders.

On motion of Collins, the rules were suspended, C.B. No. 24 was read the third time by its title and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

On motion of Waters, Batchelder, was granted leave of absence, until Monday next.

On motion of Rickards, the Council took a recess until 2 P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

Rickards by consent introduced C.B. No. 45—"A bill for an act relating to the formation of municipal corporations."

On motion of Rickards, the rules were suspended, the bill was read first and second times by its title and referred to Committee on Printing.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

Mr. President announced signing H.B. No. 13 and H.B. No. 37.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

The following Report was received.

Mr. President,

Your Committee of the Whole has had under consideration C.B. No. 30—"A bill for an act to amend Sections 77 and 81 of the Fifth Division of the Revised Statutes" and would recommend its recommittal to the Committee on Ways and Means with instructions to report a bill providing for the salaries of Territorial Treasurer and Territorial Auditor.

Also, H.B. No. 28—"An act to amend Section 310 of the Fifth Division of the Revised Statutes" and would recommend its reference to a Special Committee.

Kennedy, Chairman

On motion of Kennedy, the recommendations of the Committee were adopted.

C.B. No. 30 was recommitted to the Committee on Ways and Means.

H.B. No. 28 was referred to a Special Committee consisting of Waters, Cardwell and Thompson.

By consent, the following Report was received:

Mr. President,

The Conference Committee appointed by the Council and House to consider H.B. No. 3—"An act concerning the sale of intoxicating liquors to the indigent poor" and the amendment of the Council to said bill, inserting the word "knowingly" therein, have had said bill and amendment under consideration and a majority of said Committee, have agreed to recommend that the bill be passed without the said amendment.

W.H. Sutherlin  
S.L. Holliday  
Council Committee of Conference

Cardwell moved that the recommendation of the report be adopted, which was lost by the following vote:

Ayes—Cardwell, Holliday, Sutherlin, Thompson, Mr. President - 5.

Noes—Collins, Hundley, Kennedy, Pardee, Rickards, Waters - 6. Absent Batchelder.

On motion of Kennedy, the Council refused to recede from the amendment.

The following report was received.

Mr. President,

I am instructed by the Committee of the Whole to report back the bills hereinafter mentioned as having been considered and with the following recommendations.

That C.B. No. 1—"An act amending Section 529 of the Fifth Division of the Revised Statutes of Montana", do pass.

That the amendments to H.B. No. 25 annexed to the bill and herewith reported, be adopted, and that the bill as amended do pass.

That H.B. No. 6—"An act to repeal Sections 201 and 202 and to amend Sections 198, 199 and 200 of the Fourth Division of the Revised Statutes of Montana", do pass.

That C.B. No. 31 be amended by inserting in line 3 of Section 3 before the word "Town" the word "County" and that as amended the bill do pass.

That C.B. No. 32—"A bill for an act providing the adoption of children", do pass.

J.K. Pardee, Chairman

On motion of Kennedy, the amendments to H.B. No. 25 were adopted.

On motion of Kennedy, the amendments to C.B. No. 31 were adopted.

C. Bills Nos. 1, 31 and 32 and the amendments to H.B. No. 25 were referred to Committee on Engrossment.

H.B. No. 6 was placed on calendar for third reading.

The following communication from the House with accompanying Resolution were received.

Mr. President,

I am directed by the House to inform your Honorable body that the Resolution, a copy of which is herewith enclosed, has been adopted by the House.

David Marks, Chief Clerk

Be it resolved by the House, the Council concurring, that the two Houses stand adjourned from 12 O'clock tomorrow until 2 P.M. Wednesday, the 23rd inst.

Kennedy moved that the foregoing Resolution be adopted, which was lost by the following vote:

Ayes—Holliday, Hundley, Kennedy, Rickards, Waters - 5.

Noes—Collins, Cardwell, Sutherlin, Thompson, Mr. President - 5. Absent Batchelder, Pardee.

On motion of Collins, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk

## FORTY FIRST DAY

Council Chamber, Helena, Montana  
February 19th 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fortieth day read and approved.

Sutherlin presented petition of 73 residents of Fergus County for amendment of law in regard to Board of Stock Commissioners, etc.

Received and ordered placed on file.

The following Reports were received.

Mr. President,

Your Committee on Engrossment to whom was referred Council amendments to H.B. No. 25—"An act defining the compensation for County and other officers" beg leave to report them correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 25—"An act to provide for the erection of a Territorial prison and the custody and labor of Territorial prisoners", C.B. No. 34—"A bill for an act to amend Section 504 of the Fifth Division of Revised Statutes" beg to report them correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Federal Relations to whom was referred H.B. No. 61—"An act to amend an act entitled an act to enable the County of Lewis and Clarke to erect a Court House" have had the same under consideration and recommend that it do pass.

Hundley, Chairman

Mr. President,

Your Committee on Enrollment to which was referred C.B. 11 to create Park County and C.J.M. No. 3 relative to pioneer settlers of Yellowstone National Park begs leave to report them correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Public Lands to whom was referred H.J.M. No. 8 ask to report they have examined the same and recommend that it do pass.

S.L. Holliday  
W.H. Sutherlin, Committee

Mr. President,

Your Printing Committee begs leave to report C.B. No. 33—"An act relating to assessment and levy of taxes" as correctly printed.

Sutherlin, Chairman

H.B. No. 25, C.B. No. 25 and C.B. No. 34 were placed on calendar for third reading.

H.B. No. 61 and H.J.M. No. 8 were placed on general orders.

C.B. No. 33 was referred to Committee on Ways and Means.

Rickards by consent and without previous notice introduced C.B. No. 46—"A bill for an act to provide for the establishing of Graded School Districts". Read first and second times and referred to Committee on Printing.

Sutherlin introduced C.B. No. 47—"A bill for an act to suppress and prevent the dissemination of scab and contagious diseases among sheep." Read first and second times and referred to Committee on Printing.

Mr. President announced the signing of C.J.M. No. 3 and C.B. No. 11.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
February 18th 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices were given as follows:

By Marshall, a bill for an act to amend an act creating the office of County Attorney.

By Johnson, a bill to prevent the poisoning of dogs and other domestic animals and defining punishment for the same.

Bills were introduced as follows:

By Hoffman, H.B. No. 76—"An act to amend Sections 2 and 5 of an act entitled an act to protect game, fur bearing animals and fish approved March 8th 1883." Ordered printed.

By Thompson, H.B. No. 77—"A bill to prevent double taxation." Ordered printed.

H.J.R. No. 2 and H.B. No. 47 were read a third time and lost.

H. Bills Nos. 46 and 53 and C.B. No. 14, as amended, have passed the House and they are herewith transmitted.

Mr. Speaker has signed H.B. No. 37.

The Chair appointed on the part of the House as the Joint Committee to visit the Territorial Insane Asylum and Penitentiary, Messrs. Buskett, Scobey, Thompson, Hoffman and Page.

The Chair appointed on the part of the House on the Joint Commission to meet the Dakota Commission, Messrs. Johnson, Harwood and Titman.

The Chair appointed as Conference Committee on the part of the House on H.B. No. 10, Messrs. Mantle and Thompson.

The Chair appointed as Conference Committee on the part of the House on H.B. No. 1, Messrs. Blake and Harwood.

David Marks, Chief Clerk

On motion of Pardee, the amendments to C.B. No. 14 were concurred in and the bill was referred to Committee on Enrollment.

On motion of Collins, the vote taken on yesterday on motion to adopt House Concurrent Resolution to adjourn from today at noon until Wednesday next at 2 P.M. was reconsidered and said Resolution was adopted.

H.B. No. 46 was read first and second times and referred to Committee on Grazing and Stock-growing.

H.B. No. 53 was read first and second times and referred to Committee on Judiciary.

H.B. No. 6 was read the third time and passed by the following vote:

Ayes—Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Batchelder. Title agreed to.

H.B. No. 25 was read the third time and passed by the following vote:

Ayes—Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Batchelder. Title agreed to.

C.B. No. 34 was read the third time and passed by the following vote:

Ayes—Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Batchelder.

On motion of Collins, the title was amended so as to read "An act concerning the education of deaf mutes and blind children".

In conformity to C.C. Resolution 7, Mr. President appointed Holliday, Cardwell and Waters to act on the part of the Council upon the Joint Committee to visit the Territorial Insane Asylum and Penitentiary.

C.B. No. 25 was read the third time.

On motion of Collins, the bill was amended by striking out of Section line the words "Seventy five" and inserting in lieu thereof the word "Eighty".

Pardee moved that the Council adjourn, which was lost.

C.B. No. 25 was passed by the following vote:

Ayes—Cardwell, Collins, Holliday, Kennedy, Sutherlin, Thompson and Waters - 7.

Noes—Hundley, Pardee, Rickards, Mr. President - 4. Absent Batchelder.

On motion of Collins, the title was amended so as to read "A bill for an act to provide for the erection of a Territorial prison and the custody and labor of Territorial Convicts".

The following Report was received.

Mr. President,

The Judiciary Committee has considered H.B. No. 45—"To amend an act concerning fees of Jurors in Civil Cases approved Feb. 21, 1881" and recommend the passage of the same.

Also, H.B. No. 51—"An act to amend an act entitled an act limiting the compensation of certain officers herein named approved March 12th 1885" and recommends that it do not pass.

Also, C.B. No. 38—"An act concerning marriages" and recommends that the word "five" in Section 10 be stricken out and "two" inserted and as so amended, we report the bill for the action of the Council.

Collins, Chairman

H.B. Nos. 45 and 51 and C.B. No. 38 were placed on general orders.

On motion of Hundley, the Council adjourned until Wednesday next at 2 O'clock P.M.

Reuben L. Davis, Chief Clerk

## FORTY FIFTH DAY

Council Journal, Helena, Montana  
February 23rd 1887

Council met at 2 O'clock P.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called.

No quorum being present, on motion of Kennedy, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## FORTY SIXTH DAY

Council Chamber, Helena, Montana  
February 24th 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of forty fifth day read and approved.

Petitions were presented as follows:

By Kennedy, from residents Missoula County, petitions for law requiring saloons and business houses to be closed on Sunday.

Also, petition for law prohibiting gambling.

By Collins, protest of citizens of Choteau County against division of said County.

Petitions received and ordered placed on file.

The following Reports were received.

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. No. 11—"For the creation of Park County" was handed to the Governor for his consideration at 2 P.M. Feb. 19th 1887.

Kennedy, Chairman

Mr. President,

Your Committee on Enrollment to which was referred C.B. No. 14—"Providing for the punishment of persons having or receiving stolen property in certain cases" begs leave to report it correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Printing begs leave to report C.B. No. 46—"A bill for an act to provide for the establishing of graded school districts", C.B. No. 43—"A bill for an act to amend an act entitled an act to organize and regulate the militia approved March 10th 1885", C.B. No. 42—"An act to create the offices of Attorney General, to define his powers and duties and for other purposes", C.B. No. 39—"A bill for an act to regulate soliciting by persons, requiring the payment of money in advance or the delivery to them of property at the time of taking an order" and C.B. No. 47—"A bill for an act to suppress and prevent the dissemination of scab and contagious diseases among sheep" as correctly printed.

Sutherlin, Chairman

Mr. President,

Your Committee on Education and Labor to whom was referred C.B. No. 37 herewith return the same without any recommendation as to its final disposition.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Grazing and Stock-growing to whom was referred H.B. No. 46—"An act to prevent rams running at large" have had the same under consideration and beg leave to report it back with recommendation that it do pass.

Hundley, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 1—"A bill for an act amending Section 529 of the Fifth Division of the Revised Statutes of Montana", C.B. No. 31—"A bill for an act to authorize the changing the names of persons and places", C.B. No. 32—"A bill for an act providing for the adoption of Children" beg leave to report them correctly engrossed.

Holliday, Chairman

Mr. President,

The Judiciary Committee has considered H.B. No. 54—"To compile and arrange the general laws of the Territory of Montana in force at the commencement of the 15th regular session of the Legislative Assembly on the 10th day, January A.D. 1887" and begs to recommend its passage.

Collins, Chairman

Mr. President,

Your Special Committee have considered H.J.M. No. 7 and beg respectfully to recommend that it do pass without amendment.

Holliday, Chairman

C.B. No. 37, H. Bills Nos. 46 and 54 were placed on general orders.

C. Bills Nos. 1, 31 and 32 and H.J.M. No. 7 were placed on calendar for third reading.

Notices of introduction of bills were given as follows:

By Rickards, a bill for an act to declare and protect the legal and personal identity of married women.

Also, a bill for an act to place inmates of insane asylums under the protection of the laws by securing to them their postal rights.

Also, a bill for an act creating a Territorial board of health.

By Hundley, a bill concerning fees of expert witnesses and jurors.

A communication was received from the Governor announcing his approval of C.B. No. 11.

C.B. No. 43 was referred to Committee on Military Affairs.

C. Bills Nos. 39, 42 and 47 were referred to Committee on Judiciary.

C.B. No. 46 was referred to Committee on Education and Labor.

Hundley introduced C.J.R. No. 8 which was read first and second times and referred to Committee on Ways and Means.

The following communications from the House were received.

House of Representatives, Helena, M.T.  
February 19, 1887

Mr. President,

I am directed by the House to inform your Honorable body that notices of the introduction of bills were given as follows:

By Gorham, a bill for an act to create the County of Cascade, to define its boundaries and to provide for its organization.

By Taylor, a bill to create the County of Teton and to elect officers thereof.

By Holt, an act to prevent diseased animals running at large on the public range.

By Taylor, an act to amend an act entitled an act for the better protection of the Live Stock interests of the Territory approved March 12th 1885.

The Governor has this day approved H. Bills Nos. 13 and 37.

Mr. Speaker has signed C.B. No. 11 and C.J.M. No. 3.

C.B. No. 22 and C.J.M. No. 1 and H. Bills Nos. 29 and 34 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

House of Representatives, Helena, M.T.  
February 23rd 1887

Mr. President,

I am directed by the House to inform your Honorable body that Hoffman gave notice of a bill regarding the sale of poisonous drugs.

Bills were introduced as follows:

By Marshall, H.B. No. 78—"A bill for an act to amend an act creating the office of County Attorney." Ordered printed.

By Taylor, H.B. No. 79—"An act to create the County of Teton and for the election of officers thereof."

H.B. No. 56 has passed the House and the same is herewith transmitted.

H.B. No. 70 has been laid on the table.

David Marks, Chief Clerk

C.B. No. 22 and C.J.M. No. 1 were referred to Committee on Enrollment.

By consent the following Report was received.

Mr. President,

The Judiciary Committee has considered H.B. No. 53—"A bill for an act concerning obscene literature" and recommend that it do pass.

Collins, Chairman

H.B. No. 53 was placed on general orders.

H.B. No. 29 was read first and second times and referred to Committee on Incorporations.

H.B. No. 34 was read first and second times and referred to Committee on Agriculture and Manufactures.

H.B. No. 56 was read first and second times and referred to Committee on Towns and Counties.

Mr. President announced the signing of C.B. No. 14.

H.J.M. No. 7 was read the third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Pardee, Thompson, Waters - 8.

Noes—Kennedy, Rickards, Sutherlin, Mr. President - 4. Title agreed to.

C.B. No. 1 was read the third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Rickards, Pardee, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—Kennedy - 1.

On motion of Collins, the title was amended so as to read, "An act amending Section 529 of the Fifth Division of the Revised Statutes of Montana relating to elections".

C.B. No. 31 was read the third time and passed by the following vote:

Ayes—Batchelder, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—Cardwell - 1. Title agreed to.

C.B. No. 32 was read the third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Noes—None. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Rickards in the Chair.

Council resumed. Mr. President in the Chair.

The following Report was received.

Mr. President,

The undersigned is instructed by the Committee of the Whole to report back the bills hereinafter mentioned as having been considered and with the following recommendations.

That H.B. No. 61—"An act to amend an act entitled an act to enable the County of Lewis and Clarke to erect a Court House", do pass.

That H.J.M. No. 8 concerning the Ft. Ellis Military Reservation, do pass.

That H.B. No. 45—"An act to amend an act entitled an act concerning fees of Jurors in Civil cases approved February 21st 1881", do pass.

That H.B. No. 51—"A bill for an act to amend an act entitled an act limiting the compensation of certain officers herein named approved March 12th 1885", do not pass.

J.E. Rickards, Chairman

H.B. No. 61, H.J.M. No. 8, H.B. No. 45 and H.B. No. 51 were placed on calendar for third reading.

Council took a recess until 2 O'clock P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Waters in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

I am instructed by the Committee of the Whole to report back the bills hereinafter mentioned with the following recommendations.

That C.B. No. 38—"A bill for an act concerning marriages" be referred to a Select Committee for amendment.

That C.B. No. 37 be referred to a Select Committee of which Pardee shall be Chairman.

That H.B. No. 46 and H.B. No. 53 do pass.

E.C. Waters, Chairman

On motion of Kennedy, the recommendations of the report in regard to C.B. No. 38 and C.B. No. 37 were adopted.

H. Bills Nos. 46 and 53 were placed on calendar for third reading.

C.B. No. 37 was referred to a Select Committee, consisting of Pardee, Thompson and Collins.

C.B. No. 38 was referred to a Select Committee consisting of Kennedy, Collins and Waters.

On motion of Collins, H.B. No. 54 was taken from general orders and placed on calendar for third reading.

On motion of Hundley, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## FORTY SEVENTH DAY

Council Chamber, Helena, Montana  
February 25th 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of forty sixth day read and approved.

Rickards presented petitions of National Park Assembly No. 4492, A.W. Coates, Local assembly No. 3698 of South Butte and Pioneer Assembly No. 2330 of K of L for enactment of more effective laws in regard to opium dens. Read and ordered placed on file.

Thompson presented petition of tax payers of Custer County for law changing boundaries of School District No. 4. Read and referred to Committee on Education and Labor.

Collins presented protest of residents of Chouteau County against division of the County.

Read and ordered placed on file.

Waters presented remonstrance against passage of Section 8 of H.B. No. 36 in regard to licenses for selling liquor.

Read and referred to Committee on Ways and Means.

The following Reports were received.

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. No. 14—"Providing for the punishment of persons having or receiving stolen property in certain cases" was handed to the Governor for his consideration at 3 P.M., Feb. 22, 1887.

Kennedy, Chairman

Mr. President,

Your Committee on Education and Labor to whom was referred C.B. No. 46—"Relating to the Establishing of Graded School Districts" herewith return the same with the recommendation that it do pass.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Printing begs leave to report C.B. No. 45—"A bill for an act relating to the formation of Municipal Corporations" as correctly printed.

Sutherlin, Chairman

Mr. President,

Your Committee on Towns and Counties to whom was referred H.B. No. 44—Entitled "An act to amend Section 380 of the 5th Division of the Revised

Statutes of Montana" have had the same under consideration and beg leave to report the bill back without recommendation.

Cardwell, Chairman

Mr. President,

Your Committee on Agriculture and Manufactures to whom was referred H.B. No. 43—"Entitled a bill for an act to amend an act entitled an act concerning fences, approved March 10th 1885" have had the same under consideration and beg leave to report the bill back with the recommendation that it do pass.

Cardwell, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred C.B. No. 44—"An act for the care and maintenance of orphan children" have had the same under consideration and beg leave to report the same back for action of the Council.

J.K. Pardee, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred C.J.R. No. 8 to compensate D.H. Weston for services rendered the Territory, beg leave to report favorably on same with recommendation that it do pass.

J.K. Pardee, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred C.B. No. 36—"A bill for an act to provide for the appointment and to prescribe the duties of a Public Examiner for the Territory of Montana" having had the same under consideration beg leave to report favorably on same with recommendation that it do pass.

J.K. Pardee, Chairman

Mr. President,

Your Committee on Elections to whom was referred H.B. No. 42—"A bill for an act relating to elections" having had the same under consideration report the same back with the recommendation that it do not pass.

Waters, Chairman

Mr. President,

The Judiciary Committee has considered C.B. No. 47—"To suppress and prevent the dissemination of scab and contagious diseases among sheep" and C.B. No. 42—"To create the office of Attorney General" and C.B. No. 39—"To regulate soliciting by persons requiring the payment of money in advance" and respectfully recommend that said bills be placed on general orders for the consideration of the Council.

Collins, Chairman

Mr. President,

Your Special Committee to whom was referred C.B. No. 15 have had the same under consideration and recommend the following amendment and when so amended, recommend its passage. Add the following at the end of Section 1. "Provided, That the Counties of Dawson, Custer, Yellowstone,

Choteau and Lewis and Clarke be and are hereby exempted from the provisions of this act."

Thompson  
Kennedy  
Cardwell

C. Bills Nos. 46 and 45, H. Bills Nos. 44 and 43, C.B. No. 44, C.J.R. No. 8, C.B. No. 36, H.B. 42 and C. Bills Nos. 47, 42 and 39 were placed on general orders.

On motion of Kennedy, the amendments to C.B. No. 15 were adopted and the bill referred to Committee on Engrossment.

Cardwell gave notice of introduction of a bill to permanently fix and determine the boundary lines of Jefferson County and to provide for the appointment of Commissioners therefor.

Sutherlin, by request, introduced C.B. No. 48—"A bill for an act to restrict the duties of County Clerks, Probate Judges and Justices of the Peace."

Read first and second times and referred to Committee on Printing.

Rickards introduced C.B. No. 49—"A bill for an act to declare and protect the legal and personal identify of married women."

Read first and second times. On motion of Collins, the rules were suspended, the bill was read the third time and passed by the following vote.

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—Kennedy - 1. Title agreed to.

Rickards introduced C.B. No. 50—"A bill for an act to place the inmates of insane asylums under protection of the laws by securing to them postal rights." Read first time.

On motion of Cardwell, the rules were suspended, the bill was read the second and third times by its title and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—Kennedy, Pardee - 2. Title agreed to.

Hundley introduced C.B. No. 51—"A bill for an act concerning expert witnesses and jurors."

Read first and second times and referred to Committee on Judiciary.

A communication was received from the Governor announcing his approval of C.B. No. 14.

The following communication from the House was received.

House of Representatives  
Feby 24th 1887

Mr. President,

I am directed by the House to inform your Honorable body that Marshall gave notice of a bill fixing the compensation of Sheriffs for dieting prisoners.

Bills were introduced as follows:

By Hoffman, H.B. No. 80—"An act regarding the sale of poisonous drugs." Ordered printed.

By Holt, H.B. No. 81—"An act to prevent diseased animals running at large on the public range." Ordered printed.

By Johnson, H.B. No. 82—"A bill to prevent the poisoning of dogs and other domestic animals and to define the punishment for the same." Ordered printed.

By the Committee on Incorporations, H.B. 83—"A bill for an act concerning Savings Banks and Trust Deposit and Security Associations." Ordered printed.

Mr. Speaker has signed C.B. No. 14 and H.B. No. 31.

H. Bills Nos. 49 and 69 were read a third time and lost.

C.B. No. 21, as amended, H. Bills Nos. 41 and 71 have passed the House and are herewith transmitted.

David Marks, Chief Clerk

On motion of Collins, C.B. No. 21 was ordered returned to the House for correction of engrossment of amendments.

H.B. No. 41 was read first and second times and referred to Committee on Judiciary.

H.B. No. 71 was read first and second times and referred to Committee on Judiciary.

H.J.M. No. 8 was read the third time and passed by the following vote.

Ayes—Cardwell, Holliday, Hundley, Sutherlin, Thompson, Waters, Mr. President - 7.

Noes—Batchelder, Collins, Kennedy, Pardee, Rickards - 5. Title agreed to.

H.B. No. 45 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

Mr. President announced the signing of H. Bills Nos. 6, 25 and 31.

On motion of Kennedy the rules were suspended, H.B. No. 54 was read the third time by its title and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—Hundley - 1. Title agreed to.

H.B. No. 46 was read the third time and passed by the following vote.

Ayes—Batchelder, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—Cardwell - 1. Title agreed to.

H.B. No. 51 was read the third time and lost by the following vote.

Ayes—Kennedy, Waters - 2.

Noes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Mr. President - 10.

H.B. No. 53 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Title agreed to.

H.B. No. 61 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters and Mr. President - 12.

Title agreed to.

On motion of Collins, the Council took a recess until 2 O'clock P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following Report was received.

Mr. President,

Your Committee on Enrollment to whom was referred C.J.M. No. 1 asking for an appropriation for the Yellowstone National Park, C.B. No. 22—"A bill for an act to encourage tree planting and arboriculture in Montana" beg to report them correctly enrolled.

Kennedy, Chairman

Kennedy, by consent, presented petitions of residents of Missoula County for law requiring saloons and business houses to be closed on Sunday and for law prohibiting gambling. Ordered placed on file.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

The following Report was received.

Mr. President,

Your Committee of the Whole has had under consideration C.B. No. 46—"To provide for the establishing of graded school districts" and recommend its reference to a Special Committee for consideration of its merits.

C.B. No. 45—"For the formation of municipal Corporations" has also been under consideration and the Committee asks further time upon it.

Kennedy, Chairman

On motion of Kennedy, the recommendations of Committee of the Whole in regard to C.B. No. 46 were adopted and the bill was referred to a Select Committee, consisting of Thompson, Collins and Rickards.

On motion of Thompson, Holliday was granted leave of absence until Tuesday next.

On motion of Kennedy, the Committee of the Whole was allowed further time to consider C.B. No. 45.

On motion of Collins, the Council adjourned until tomorrow at 10 O'clock A.M.



## FORTY EIGHTH DAY

Council Chamber, Helena, Montana  
February 26th 1887

Council met pursuant to adjournment at 10 A.M.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of forty seventh day read and approved.

Mr. President announced the signing of C.J.M. No. 1 and C.B. No. 22.

Sutherlin presented remonstrance of citizens of Meagher County against law increasing licenses for sale of liquor.

The following reports were received.

Mr. President,

Your Committee on Mines and Minerals to whom was referred H.B. No. 23—"An act concerning the use of safety cages and iron bonnets in mining shafts" having had the same under consideration beg leave to report it back with the recommendation that it do pass.

J.K. Pardee, Chairman

Mr. President,

Your Committee on Towns and Counties to whom was referred C.B. No. 41—"A bill for an act to amend Section 968 of the 5th Division of the Revised Statutes" have had the same under consideration and report the bill back with the recommendation, that it be amended, by striking out the "proviso" and as so amended, recommend that it do pass.

Cardwell, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 15—"An act in relation to fencing railroads and erection of cattle guards" beg to report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Towns and Counties to whom was referred H.B. No. 56—"A bill for an act to amend an act entitled an act to create the County of Yellowstone and for the election of officers thereof" have had the same under consideration and beg leave to report the bill back with the recommendation that it do pass.

Cardwell, Chairman

Mr. President,

Your Committee on Agriculture and Manufactures to whom was referred H.B. No. 34—"An act to amend an act relative to killing certain animals"

have duly considered the same and beg leave to report it back with the recommendation that it do pass.

Cardwell, Chairman

The Committee on Ways and Means reported back C. Bills Nos. 29 and 30 with substitute for each.

H.B. No. 23 was placed on general orders.

On motion of Cardwell, the substitute for C.B. No. 30 was adopted and placed on general orders.

On motion of Pardee, the substitute for C.B. No. 29 was adopted.

On motion of Kennedy, the rules were suspended and the substitute for C.B. No. 29 was placed on calendar for third reading.

On motion of Kennedy, the amendment to C.B. No. 41 was adopted and the bill was referred to Committee on Engrossment.

C.B. No. 15 was placed on calendar for third reading.

On motion of Cardwell, the rules were suspended and H. Bills Nos. 56 and 34 were placed on calendar for third reading.

Rickards gave notice of introduction of a bill relating to better protection of game and fish. Also, on March 3rd or some subsequent day he would again introduce C.B. No. 23—"Relating to seduction".

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 25th 1887

Mr. President,

I am directed by the House to inform your Honorable body that Mr. Speaker has signed H. Bills Nos. 6 and 25.

Notices were given as follows:

By Holt, to prevent the killing of beaver on public ranges.

By Johnson, a bill to regulate the shipment of hides.

Bills were introduced as follows:

By Marshall, H.B. No. 84—"A bill for an act fixing the compensation of sheriffs for the board of prisoners." Ordered printed.

By Taylor, H.B. No. 85—"An act to amend an act entitled an act for the better protection of live stock." Ordered printed.

By Muth, H.B. No. 86—"An act to amend Section 292 of the Fifth Division of the Revised Statutes of Montana." Ordered printed.

Page introduced H.J.R. No. 5, relating to the official maps of Montana.

The vote by which H.B. No. 69 was lost was reconsidered, the bill has passed and is herewith transmitted.

C.B. No. 21 has been correctly engrossed and is herewith transmitted.

H. Bills Nos. 20, 52 and 67 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

On motion of Kennedy, the House amendments to C.B. No. 21 were con-

curred in and the bill and amendments referred to Committee of Enrollment.

H.B. No. 69 was read first and second times and referred to Committee on Military Affairs.

H.B. No. 52 was read first and second times and referred to Committee on Judiciary.

H.B. No. 20 was taken up and on motion of Kennedy, the rules were suspended, the bill was read first and second times by its title and referred to a Select Committee appointed by the Chair and consisting of Kennedy, Waters and Collins.

H.B. No. 67 was read first and second times and referred to Committee on Incorporations.

On motion of Kennedy, H.B. No. 34 was taken from calendar for third reading and placed on general orders.

The substitute for C.B. No. 29 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Holliday.

The title was amended so as to read "An act concerning records of mining locations".

H.B. No. 56 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Holliday. Title agreed to.

C.B. No. 15 was read the third time.

Rickards moved that the bill be taken from the calendar for third reading and placed on general orders, which was lost.

The bill was passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Hundley, Kennedy, Sutherlin, Thompson, Waters, Mr. President - 9.

Noes—Pardee, Rickards - 2. Absent Holliday. Title agreed to.

By consent the following report was received:

Mr. President,

Your Committee on Judiciary has examined the provision of C.B. No. 51, H.B. No. 41 and H.B. No. 71 and recommend that said bills do pass.

Collins, Chairman

C.B. No. 51 and H. Bills Nos. 41 and 71 were placed on general orders.

Mr. President,

Your Judiciary Committee to whom was referred C.B. No. 26—"A bill for an act to provide compensation for Samuel Snyder for the assessment of Meagher and Fergus Counties" have considered the same and beg leave to recommend that the same be amended by offering the following substitute and as so amended we ask that it do pass.

Collins, Chairman

On motion of Sutherlin, the substitute for C.B. No. 26 was adopted and referred to Committee on Engrossment. Collins, by consent, introduced C.B. No. 52 which was read first and second times and referred to Committee on Judiciary.

On motion of Rickards, the Council took a recess until 2 O'clock P.M. Council resumed at 2 P.M.

Mr. President in the Chair.

Roll called—Quorum present.

The Council resolved itself into Committee of the Whole for the consideration of general orders, Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

Kennedy, Chairman of the Committee of the Whole, reported that C.B. No. 45 had been considered and was granted time to prepare report.

Rickards, by consent, introduced C.B. No. 53—"A Bill for an act creating a Territorial Board of Medical Examiners and defining their duties." Read first and second times and referred to Committee on Printing.

By consent, the following report was received.

Mr. President,

Your Committee on Incorporations to whom was referred H.B. No. 29 herewith return the same with the recommendation that it do pass.

Rickards, Chairman

H.B. No. 29 was placed on general orders.

On motion of Waters, Council took a recess until 7 P.M.

7 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following report was received.

Mr. President,

Your Committee of the Whole have had under consideration C.B. No. 45 for the formation of municipal corporations and beg leave to report it back with the subjoined amendments to the printed bill and do recommend its passage as amended.

Kennedy, Chairman

On motion of Collins, the amendments were adopted and the bill referred to Committee on Engrossment.

On motion of Sutherlin, the Council adjourned until Monday next at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk

## FIFTIETH DAY

Council Chamber, Helena, M.T.  
February 28th, 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of forty-eighth day read and approved.

Rickards presented petition of residents of Silver Bow County for law for protection of game and fish and appointment of Game and Fish Detective. Received and ordered filed.

The following reports were received.

Mr. President,

Your Committee on Ways and Means to whom was referred C.B. No. 2—"A Bill for an act to repeal Section 3 of an act entitled an act to provide for licensing commercial travelers approved July 22, 1879" having had the same under consideration, beg leave to report the same back without recommendation.

J. K. Pardee, Chairman

Mr. President,

Your special committee to which was referred C.B. 38—"Concerning Marriages" beg leave to recommend the following amendments. In line 6, sec. 3, strike out the words "resident in the territory and" and substitute therefor the words "who is". In lines 2 and 3, sec. 5, strike out the words "verbal consent if present or". In lines 3 and 4, sec. 5, strike out the words "if absent". In sec. 10, line 40, strike out the word "five" and substitute the word "two" therefor. And as amended, your committee recommends that the bill do pass.

Kennedy, Chairman

Mr. President,

Your Special Committee, to which was referred H.B. 20—"To establish a hospital for the insane", begs leave to report the bill back with the recommendation that it do pass.

Kennedy, Chairman

Mr. President,

Your Committee on Military Affairs to which was referred C.B. 43—"An act to amend an act entitled an act to organize and regulate the militia approved March 10, 1885" begs leave to report it back with the recommendation that it be amended by inserting in line 7, sec. 2, after the word "days" the words "in each year" and as amended that it do pass.

Kennedy, Chairman

Mr. President,

Your Committee on Military Affairs to which was referred H.B. 69—"To repeal article 2, chapter 21 of the Fifth Division of the Revised Statutes" begs leave to report it back with the recommendation that it do not pass.

Kennedy, Chairman

Mr. President,

Your Committee on Enrollment to whom was referred C.B. No. 21—"An act to provide for a Territorial Board of Arbitration for the settlement of differences between employers and employees" beg leave to report the same correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 45—"A bill for an act relating to the formation of municipal corporations" beg to report the same correctly engrossed.

J.K. Pardee

Mr. President,

Your Conference Committee on H.B. No. 10—"An act to protect wage workers" has considered the same and recommends that section five be not stricken out and that it do pass as otherwise amended.

T. E. Collins

Conference Committee on behalf of the Council, "I disagree with the above".

Kennedy

Mr. President,

Your Judiciary Committee to which was referred C.B. 52—"An act to regulate the amount of costs of witnesses in criminal cases" and H.B. 52—"An act to amend sections 396 and 397 of the second division of the revised statutes of Montana" and respectfully report them back with the recommendation that they do pass.

Collins, Chairman

On motion of Kennedy, the amendments to C.B. No. 38 were adopted. Ordered engrossed.

On motion of Kennedy, the amendments to C.B. No. 43 were adopted.

Kennedy moved that the Council refuse to recede from second amendment to H.B. No. 10, which was lost.

On motion of Collins, the recommendation of the majority of the Committee of Conference on H.B. No. 10 was adopted and the Council receded from the second amendment to the bill by the following vote.

Ayes—Batchelder, Cardwell, Collins, Pardee, Rickards, Thompson, Waters, Mr. President - 8.

Noes—Hundley, Kennedy, Sutherlin - 3. Absent Holliday.

C.B. 45 was placed on calendar for third reading.

C.B. No. 2, H.B. No. 20, C.B. No. 43, H.B. No. 69, C.B. No. 52 and H.B. No.

52 were placed on general orders.

Bills were introduced as follows.

By Rickards, C.B. No. 54—"A bill for an act providing for the better protection of game and fish and for the creation of the office of Game and Fish Detective."

Read first and second times and referred to Committee on Printing.

By Collins, C.B. No. 55—"A bill for an act to amend Section 391 of the Fifth Division of the Revised Statutes of Montana in relation to duties of County Recorders."

Read first and second times and on motion of Collins, referred to Committee on Ways and Means.

By Cardwell, C.B. No. 56—"A bill for an act to permanently fix and determine the boundary line of Jefferson County." Read first and second times and on motion of Cardwell, referred to a Special Committee consisting of the members from Jefferson, Silver Bow, Deer Lodge and Lewis and Clarke Counties.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 26th 1887

Mr. President,

I am directed by the House to inform your Honorable body that Mr. Speaker has signed C.B. No. 22 and C.J.M. No. 1.

Scobey introduced H.B. No. 87—"A bill for an act to provide for the seizure and sale of trespassing swine." Ordered printed.

H.B. No. 62 has passed the House and the same is herewith transmitted.

David Marks, Chief Clerk

H.B. No. 62 was read first and second times and referred to Committee on Ways and Means.

Kennedy moved that the rules be suspended and that C.B. No. 45 be read the third time by its title. Carried.

C.B. No. 45 was read the third time by its title and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—Hundley - 1. Absent Holliday. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of the general orders. Collins in the Chair.

Council resumed. Mr. President in the Chair.

Collins, Chairman of Committee of the Whole, reported consideration of bills and was granted time to prepare report.

Mr. President announced the signing of C.B. No. 21.

By consent, the following report was received.

Mr. President,

Your Committee on Elections to whom was referred H.B. No. 26—"An act

to provide for the registration of the names of electors and to prevent frauds at elections" having had the same under consideration respectfully report the same back with the recommendation that it do pass.

Waters, Chairman

Collins of the Committee on Elections was allowed to present minority reports on H.B. No. 26.

On motion of Sutherlin, the Council took a recess until 2 P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 28th 1887

Mr. President,

I am directed by the House to inform your Honorable body that bills were introduced as follows.

By Armstrong, H.B. No. 88—"An act to amend Section 585 and 594 of Chapter 22 of the 5th Division of the Revised Statutes." Also,

H.B. No. 89—"An act to amend Section 319 of Chapter one of the First Division of the Revised Statutes." Ordered printed.

The Governor has approved H. Bills Nos. 6 and 25.

The vote by which H.J.R. No. 2 was lost was reconsidered and the same passed the House and is herewith transmitted.

H. Bills Nos. 55 and 58 have passed the House and they are herewith transmitted.

The House has adopted the report of the Conference Committee on H.B. No. 10.

David Marks, Chief Clerk

H.J.R. No. 2 was read first and second times and on motion of Rickards, referred to Committee on Ways and Means.

On motion of Collins, the rules were suspended, H.B. No. 55 was read first and second times, by its title and referred to Committee on Incorporations.

H.B. No. 58 was read the first time. Pardee moved that the bill be laid on the table which was carried by the following vote.

Ayes—Batchelder, Cardwell, Kennedy, Pardee, Thompson, Waters - 6.

Noes—Collins, Hundley, Rickards, Sutherlin, Mr. President - 5.

Absent Holliday.

The Council resolved itself into Committee of the Whole for consideration of general orders. Thompson in the Chair.

Council resumed. Mr. President in the Chair.

The following Report was received.

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. No. 21—"Providing for a board of arbitration" and C.B. No. 22—"To encourage tree culture and arboriculture" were presented to the Governor for his consideration at 1:45 P.M. Feb. 28th 1887.

Kennedy, Chairman

The following Report was received.

Mr. President,

Your Committee of the Whole has considered H.B. No. 44—"To amend Section 380 of the 5th Division of the Revised Statutes" and recommend that it do not pass.

Also, H.B. No. 43—"Concerning fences", C.B. No. 44—"An act for the care and maintenance of orphan children".

Also, C.J.R. No. 8, to pay D. H. Weston for certain services, and recommended that they do pass.

Also, C.B. No. 36—"To provide for the appointment of a Public Examiner" and recommend that the amendments hereto annexed be adopted and that the bill do pass as amended.

Collins, Chairman

H.B. No. 44, H.B. No. 43, C.B. No. 44 and C.J.R. No. 8 were placed on calendar for third reading.

On motion of Collins, the amendments to C.B. No. 36 were adopted and the bill referred to the Committee on Engrossment.

The following Report was received.

Mr. President,

Your Committee of the Whole having considered the bills hereinafter mentioned report the same back and recommend as follows:

That H.B. No. 42—"A bill for an act relating to elections" do not pass.

That the subjoined amendments to C.B. No. 47 be adopted and that as amended the bill do pass.

That C.B. No. 42—"A bill for an act to create the office of Attorney General", etc., be amended by adopting the amendments hereto annexed and that as amended it do pass.

That C.B. No. 39—"A bill for an act to regulate soliciting by persons requiring the payment of money in advance", etc., be amended by striking out the words "or personal" in line 13, Section 2 and that as amended, the bill do pass.

That C.B. No. 30—"A bill for an act to amend Sections 71, 77, 80 and 81 of the 5th Division of the General Laws of Montana increasing the salaries and bonds of the Territorial Auditor and Treasurer" be amended by adopting the amendments hereto annexed and that as amended, the bill do pass.

That the amendment to H.B. No. 34 herewith reported be adopted and that as amended the bill do pass.

That H.B. No. 23—"An act concerning the use of safety cages and bonnets in mining shafts", also, C.B. No. 51—"Concerning expert witnesses and

jurors", also, H.B. No. 41—"Concerning chattel mortgages", also, H.B. No. 71—"To amend Section 161 of the 4th Division of the Revised Statutes" do pass.

H.B. No. 29—"In relation to Railroad Corporations" is still under consideration and your Committee ask leave to sit again.

Thompson, Chairman

H.B. No. 42 was placed on calendar for third reading.

On motion of Sutherlin, the amendments to C.B. No. 47 were adopted and the bill was referred to Committee on Engrossment.

On motion of Rickards, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk

## FIFTY FIRST DAY

Council Chamber, Helena, Montana  
March 1st 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Fiftieth Day read and approved.

The following Reports were received.

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 38—"A bill for an act concerning marriages" beg to report the same correctly engrossed.

J.K. Pardee

Mr. President,

Your Committee on Engrossment begs leave to report that it has compared C.B. No. 47—"A bill for an act to prevent and suppress the dissemination of scab and contagious diseases among sheep" and that the same is correctly engrossed.

J.K. Pardee

Mr. President,

Your Special Committee to whom was referred C.B. No. 56—"A bill for an act to permanently fix and determine the Boundary line of Jefferson County" have had the same under consideration and beg leave to report the bill back with the recommendation that it do pass.

Cardwell, Chairman

C. Bills Nos. 38, 47 and 56 were placed on calendar for third reading.

Collins introduced C.J.R. No. 9, authorizing Charles H. Snell to compile, arrange, print and publish the general and permanent laws of Montana Territory in force at the expiration of the Fifteenth regular session of the Legislative Assembly.

Read first and second times and referred to Committee on Judiciary.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Feby 28th 1887

Mr. President,

I am directed by the House to inform your Honorable body that under a suspension of the rules, H.J.R. No. 6 has passed the House and the same is herewith transmitted.

David Marks, Chief Clerk

H.J.R. No. 6 was read first and second times.

On motion of Cardwell, the rules were suspended, the resolution was read the third time by its title and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Kennedy, Pardee, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Holliday, Rickards. Title agreed to.

On motion of Collins, H.B. No. 44 was taken from calendar for third reading and referred to Committee on Ways and Means.

A communication was received from the Governor announcing his approval of C. Bills Nos. 21 and 22.

H.B. No. 43 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Hundley, Pardee, Sutherlin, Thompson, Waters, Mr. President - 9.

Noes—Kennedy - 1. Absent Holliday, Rickards. Title agreed to.

H.B. No. 42 was read the third time and lost by the following vote:

Ayes—Rickards - 1.

Noes—Batchelder, Cardwell, Collins, Hundley, Kennedy, Pardee, Sutherlin, Thompson, Waters, Mr. President - 10. Absent Holliday.

Mr. President announced the signing of H.J.Ms. 7 and 8 and H. Bills Nos. 53, 61, 45, 46 and 54.

By consent the following Reports were received.

Mr. President,

Your Committee on Ways and Means to whom was referred H.B. No. 62—"A bill for an act to amend an act entitled an act to authorize County Commissioners to issue bonds, to redeem outstanding indebtedness approved March 6th 1883" having had the same under consideration beg leave to report the same back with the recommendation that it do pass.

J.K. Pardee, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred C.B. No. 55—"A bill for an act to amend Section 391 of the 5th Division of the Revised Statutes of Montana in relation to duties of County Recorders" having had the same under consideration beg leave to report the same back with the recommendation that it do pass.

J.K. Pardee, Chairman

Mr. President,

Your Special Committee to whom was referred C.B. No. 37—"A bill for an act to prohibit the sale of intoxicating liquors outside the limits of any incorporated town or city or any legally established townsite wherein is established a post office to certain persons" have had the same under consideration and beg leave to report a substitute with the recommendation that it be adopted.

J.K. Pardee, Chairman

Mr. President,

Your committee on Engrossment to whom was referred Substitute for C.B.

No. 26—"A bill for an act to provide compensation for Samuel Snyder for certain services and to authorize the County Commissioners of the Counties of Fergus and Meagher to audit and allow the same." C.B. No. 41—"A bill for an act to amend Section 968 of the 5th Division of the Revised Statutes" beg to report them correctly engrossed.

J.K. Pardee

Mr. President,

Your Committee on Engrossment having examined C.B. No. 36 beg leave to report the same properly engrossed.

J.K. Pardee

Mr. President,

Your Joint Committee appointed under Council Concurrent Resolution No. to examine and report upon the books and accounts of the Territorial Auditor and Treasurer for the years 1885 and 1886 respectfully report to the Council and the House that Your Committee finding the labor of a thorough examination would consume more time than your Committee could conveniently give from their other Legislative duties, employed Wm. Steel and Frank R. Shaffer, able and experienced accountants, under the authority given them by the Resolution.

That William Steel and Frank R. Shaffer entered upon the discharge of these duties and have made a complete and minute examination of the Books, Accounts, Vouchers, etc., connected with the said office and made a report to your Committee, which is herewith annexed and made a part hereof. From said statement of William Steel and Frank R. Shaffer and investigation of your Committee, they are satisfied that the books and accounts of the offices of Auditor and Treasurer are in a satisfactory condition and that the duties devolving upon said officers have been efficiently and faithfully discharged. All of which is respectfully submitted.

E.C. Waters  
Wm Muth

Committee

Helena, February 26th 1887

Hon. E.C. Waters, Chairman, Joint Committee  
Sir,

We beg leave to report that we have made a thorough examination of the books kept by the Territorial Auditor for the two years ending Dec. 31, 1886.

We have examined all of the warrants as paid by the Treasurer and find that they all agree with the original entries. We have also examined each voucher and find that they were all valid claims against the Territory and that in every case the amount of warrant drawn on account of the same was correct.

The trial balance of the Auditor will be found annexed to the accompanying affidavit.

We have also thoroughly examined the books and accounts of the Territorial Treasurer and find them correct in each and every particular. The Treasurer's trial balance will also be found annexed to the accompanying affidavit.

We take pleasure in commending the neatness and accuracy with which both Auditor's and Treasurer's books have been kept.

Respectfully Submitted,  
William Steel              Accountants  
Frank R. Shaffer

We, Frank R. Shaffer and William Steel, Accountants, employed by the Joint Council and House Committee, appointed to examine the Auditor's and Treasurer's books of Montana Territory, do solemnly swear that we have examined the same and found in both cases that the books are well and correctly kept and that all entries in the same are in accordance with the facts as they appear on same and that the accompanying is a correct copy of trial balance of each as appears by said books.

William Steel  
Frank R. Shaffer

Subscribed and sworn to before me this February 26th 1887.

Notarial Seal	Henry W. Foote, Notary Public in and for Montana
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Trial balance of Auditor Jan. 1st 1887.	Dr.	Cr.
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D.H. Weston Treas. Gen'l Fund	57,269.18	
D.H. Weston Treas. S.I. and D.F.	7,444.47	
D.H. Weston Treas. S.I.F.	10,213.50	
 Escheated Estates		6,042.35
G.F. Warrant ap.		2,057.00
S.I. and D.F. Warrant ap.		700.00
Territory of Montana		65,900.79
Jno. McGregor		45.10
F. Rayfield		80.00
A. Mesghe		99.67
G.A. Hampton		2.24
	74,927.15	74,927.15

Trial Balance of Treasurer, Jan. 1st, 1887.

	Dr.	Cr.
Cash ap.	57,269.18	
Edwards Ex Treas.	322.32	
Stock Indemnity & Detective Fund	7,444.47	
Stock Indemnity & Detective Fund	10,213.50	
 Hempton Ex Treas.		2.24
Territory of Montana		68,517.16
McGregor's Heirs		45.10
Rafields Heirs		80.00
Mesghes Heirs		99.67
Williams Heirs		73.00
Murrays Heirs		351.41
Andrews Heirs		38.54
Brysons Heirs		131.72
Robbs Heirs		247.01
Mullens Heirs		83.55
Bungins Heirs		133.41
Heynisches Heirs		55.96
Leroys Heirs		100.00
Sussens Heirs		30.00
Howards Heirs		237.89
Summots Heirs		38.27
Chambers Heirs		62.63
Rodgers Heirs		30.77

Thompsons Heirs	4,585.83
Andrgo Heirs	105.80
Fagans Heirs	92.28
Johnsons Heirs	93.25
Dreshers Heirs	13.98
	75,249.47
	75,249.47

The following Report was received.

Mr. President,

Your Committee on Education and Labor to whom was referred the petition from Custer County relating to boundaries of School District No. 4 beg to report that it is our judgement we have no jurisdiction in the matter under existing law and we herewith return the petition.

J.E. Rickards, Chairman

H.B. No. 62 and C.B. No. 55 were placed on general orders.

The Substitute for C. B. No. 37 reported by Committee on Ways and Means was read and on motion of Pardee, adopted and placed on general orders.

Substitute for C.B. No. 26, C.B. No. 41 and C.B. No. 36 were placed on calendar for third reading.

On motion of Kennedy, the proceedings of the Special Committee to examine the books and accounts of the Territorial Auditor and Treasurer were approved and the Committee discharged.

C.B. No. 44 was read the third time and on motion of Sutherlin, referred on amendment to a Select Committee appointed by the Chair and consisting of Collins, Thompson and Sutherlin.

C.J.R. No. 8 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Pardee, Rickards, Sutherlin, Thompson, Mr. President - 9.

Noes—Kennedy, Waters - 2. Absent Holliday. Title agreed to.

C.B. No. 49 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Holliday. Title agreed to.

By consent H.B. No. 34 was taken up. On motion of Collins, the amendments reported by the Committee of the Whole were adopted and the bill referred to Committee on Engrossment.

C.B. No. 51, H. Bills Nos. 71, 23 and 41 were placed on calendar for third reading.

On motion of Collins, the amendments to C.B. No. 39 were adopted, the rules were suspended and the bill considered engrossed and placed on calendar for third reading.

On motion of Pardee, the amendments to C.B. No. 30 were adopted.

On motion of Collins, the amendments to C.B. No. 42 were adopted.

On motion of Cardwell, the amendments to H.B. No. 34 were adopted.

C.B. No. 30, C.B. No. 42 and H.B. No. 34 were ordered engrossed.

On motion of Rickards, Council took a recess until 2 P.M.

2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

By consent the following Reports were received.

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 30—"To amend Sections 71, 77, 80 and 81 of the 5th Division of the Revised Statutes of Montana increasing the salaries and bonds of the Territorial Auditor and Treasurer" beg to report it correctly engrossed.

W.B. Hundley

Mr. President,

Your Committee on Printing begs leave to report C.B. No. 53—"A bill for an act creating a Territorial Board of Medical Examiners and defining their duties" as correctly printed.

Sutherlin, Chairman

C.B. No. 30 was placed on calendar for third reading.

C.B. No. 53 was placed on general orders.

C.B. No. 39 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Rickards, Sutherlin, Thompson, Waters, Mr. President - 9.

Noes—None. Absent Holliday, Kennedy, Pardee. Title agreed to.

C.B. No. 51 was read the third time. On motion of Collins, the bill was taken from calendar and recommitted to Committee on Judiciary.

C.B. No. 56 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Holliday, Kennedy. Title agreed to.

On motion of Collins, the rules were suspended, C.B. No. 36 was read the third time by its title and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Holliday, Kennedy.

On motion of Collins, the title was amended so as to read "A bill for an act to provide for the appointment and to prescribe the duties of a Public Examiner".

C.B. No. 41 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Holliday, Kennedy. Title agreed to.

Substitute for C.B. No. 26 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Holliday.

The title was amended by striking out the words, "Substitute for".

On motion of Rickards, the rules were suspended, C.B. No. 38 was read the third time by its title and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Holliday. Title agreed to.

C.B. No. 30 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters - 9.

Noes—Kennedy, Mr. President - 2. Title agreed to.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
March 1st 1887

Mr. President,

I am directed by the House to inform your Honorable body that Mr. Speaker has signed H.B. No. 56—"A bill for an act to amend an act entitled an act to create the County of Yellowstone and for the election of officers thereof approved Feb. 26th 1883."

House Bill No. 33 was laid on the table.

Bills were introduced as follows:

By Blake, H.B. No. 90—"A bill for an act to provide for keeping the Military Stores."

By Muth, H.B. No. 91—"An act concerning prisoners in City Jails", also, H.B. No. 92—"A bill for an act concerning the registration of voters in Incorporated Cities." Ordered printed.

By White, H.B. No. 93—"An act to amend Chapter IV of the Fifth Division of the Revised Statutes of the School Law of Montana". Ordered printed.

Blake introduced H.J.R. No. 7, to compensate Charles H. Snell for compiling and arranging the general and permanent laws of Montana Territory.

The following Bills passed the House under suspension of the rules:

H.B. No. 88—"An act to amend Sections 585 and 594 of Chapter 22 of the Fifth Division of the Revised Statutes."

H.B. No. 90—"An act to provide for keeping the Military Stores."

H.B. No. 91—"An act concerning prisoners in City Jails." Also,

C.B. No. 4—"Requiring the publication of certain matters" as amended by House and are herewith transmitted.

Wm. H. Todd, Chief Clerk pro tem

On motion of Kennedy, the Council refused to concur in House amendments to C.B. No. 4 and asked for a Committee of Conference thereon.

The Chair appointed as such Committee on the part of the Council, Kennedy, Collins and Pardee.

H.B. No. 91 was read first and second times and referred to Committee on Towns and Counties.

H.B. No. 90 was read first and second times and referred to Committee on Military Affairs.

H.B. No. 88 was read first and second times and referred to Committee on Judiciary.

Pardee, by consent, introduced C.J.R. No. 10, to defray the expenses of the executive department.

Read first and second times and referred to Committee on Federal Relations.

The following communication from the House was received.

House of Representatives, Helena, Montana  
March 1st 1887

Mr. President,

I am directed by the House to return your communication of this date for correction as regards H.B. No. 50 being lost in the Council, the same not having as yet passed the House and is still in its possession.

Wm. H. Todd, Chief Clerk pro tem

Ordered that communication be corrected by inserting 58 in place of 50.

The Council resolved itself into Committee of the Whole. Thompson in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

Your Committee of the Whole having considered the bills hereinafter mentioned beg leave to report the same back and to recommend,

That H.B. No. 29—"A bill for an act in relation to Railroad Corporations", do pass.

That C.B. No. 2—"A bill for an act to repeal Section 3 of an act entitled an act to provide for licensing commercial travelers" be laid on the table.

That H.B. No. 62—"A bill for an act entitled an act to authorize County Commissioners to issue bonds to redeem outstanding indebtedness approved March 6th 1883", do pass.

That C.B. No. 43—"An Act to amend an act to organize and regulate the militia" as amended, do pass.

That H.B. No. 69—"An act to repeal Article II of Chapter II of 5th Division of Revised Statutes" do not pass.

That C.B. No. 52—"An act to regulate the amount of costs of witnesses in criminal cases" do pass.

That H.B. No. 52—"To amend Sections 396 and 397 of 2nd Division of Revised Statutes" do pass.

That C.B. No. 55—"A bill for an act to amend Section 391 of 5th Division of Revised Statutes in relation to duties of County Recorders" do pass.

That the substitute for C.B. No. 37—"Prohibiting sale of liquors to certain persons" do pass.

That C.B. No. 53 has been under consideration and your Committee asks leave to sit again.

J.J. Thompson, Chairman

On motion of Kennedy, C.B. No. 2 was laid on the table.

On motion of Collins, the rules were suspended, H.B. No. 62 was read the third time by its title and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Holliday. Title agreed to.

C.B. No. 43 was referred to Committee on Engrossment.

On motion of Collins, the rules were suspended and C.B. No. 55 was considered engrossed, placed on calendar for third reading.

H. Bills Nos. 29, 52 and 69 and C. Bills Nos. 52, 55 and 37 were placed on calendar for third reading.

By consent, the following Report was received.

Mr. President,

Your Select Committee to which was referred H.B. No. 27 beg leave to report a substitute with the recommendation that it be adopted.

Pardee, Chairman

On motion of Collins, H.B. No. 27 was made a special order for tomorrow at 11 A.M.

On motion of Cardwell, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## FIFTY SECOND DAY

Council Chamber, Helena Montana  
March 2nd 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifty first day read and approved.

The following Reports were received.

Mr. President,

Your Committee on Federal Relations to whom was referred C.J.R. No. 10, to defray the expenses of the Executive Department, have had the same under consideration and beg leave to report the bill back with recommendation that it do pass.

W. B. Hundley, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 43—"An act to amend an act entitled an act to organize and regulate the Militia" beg to report the same correctly engrossed.

Hundley, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 42—"A bill for an act to create the office of Attorney General, defining his powers and duties and for other purposes", Council amendments to H.B. No. 34—"An act to amend an act relative to killing certain animals" beg to report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Printing begs leave to report C.B. No. 48—"A bill for an act to restrict the duties of County Clerks and Recorders, Probate Judge and Justices of the Peace" and C.B. No. 54—"An act for the better protection of game and fish and for the creation of the office of game and fish detective" as correctly printed.

Sutherlin, Chairman

C.J.R. No. 10, H.B. No. 26 and C.B. No. 54 were placed on general orders.

C.B. No. 43, C.B. No. 42 and H.B. No. 34 were placed on calendar for third reading.

C.B. No. 48 was referred to Committee on Ways and Means.

By consent, without previous notice, Sutherlin introduced C.B. No. 57—"A bill for an act to require the owners of barbed wire fences to keep the same in repair". Read first and second times and referred to Committee on Agriculture and Manufactures, and,

Waters introduced C.J.R. No. 11 to provide compensation for William Steel and Frank R. Shaffer, Accountants.

Read first and second times.

On motion of Hundley, the rules were suspended, the Resolution was considered engrossed, read the third time by its title and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
March 1st 1887

Mr. President,

I am instructed by the House to inform your Honorable body that the Governor has approved H. Bills Nos. 61, 53, 45, 46 and 54.

C.B. No. 34 has passed the House and is herewith transmitted.

Wm. H. Todd, Chief Clerk pro tem

C.B. No. 34 was referred to Committee on Enrollment.

H.B. No. 71 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Thompson, Waters, Mr. President - 10.

Noes—Kennedy, Sutherlin - 2. Title agreed to.

H.B. No. 23 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

H.B. No. 41 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters - 11.

Noes—Mr. President - 1. Title agreed to.

H.B. No. 29 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Thompson, Waters, Mr. President - 10.

Noes—Kennedy, Sutherlin - 2. Title agreed to.

On motion of Rickards, Council took a recess until 2 P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

By consent, the following Reports were received.

Mr. President,

The minority of your Committee on Elections has considered H.B. No.

26—"Relating to the registration of voters and respectfully recommend that the same do not pass.

T.E. Collins

Mr. President,

Your Committee on Enrollment to whom was referred C.B. No. 34—"A bill for an act to amend Section 504 of the 5th Division of the Revised Statutes" beg to report it correctly enrolled.

Kennedy, Chairman

On motion of Cardwell, the vote by which H.B. No. 42 was lost on yesterday was reconsidered.

On motion of Sutherlin, Council Substitute for H.B. No. 27 was adopted and referred to Committee on Printing.

Mr. President announced the signing of H.B. No. 10.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
March 2nd 1887

Mr. President,

I am directed by the House to inform your Honorable body that H.B. No. 32 and C. Bills Nos. 12 and 18 have been laid on the table.

C.B. No. 49 with the title amended and No. 50 have passed the House and they are herewith transmitted.

The Chair has appointed as a Conference Committee on the part of the House on C.B. No. 4, Messrs. Marshall, Mantle and Taylor.

David Marks, Chief Clerk

C. Bills Nos. 49 and 50 were referred to Committee on Enrollment.

By consent, the following Report was received.

The Committee of Conference of the two Houses on H.B. No. 5—"An act concerning the rights of married women" having considered the same beg leave to report the bill back and recommend that the House concur in the Council amendments, except the amendments to Sections 6 and 9 and the insertion of the new Section numbered 9 and further recommend that the Council recede from said amendments to said Sections 6 and 9 and the insertion of said new Section numbered 9. In Section 6, line 10, strike the word "half" and insert "third".

Blake, Chairman, of Committee  
on part of the House

Collins

Rickards

Thompson, Committee on behalf  
of the Council

On motion of Collins, the recommendations of the Report were adopted. The Council receded from amendments to Sections 6 and 9 and inserting new Section numbered 9. The bill was further amended by striking out of line 10 of Section 6, the word "half" and inserting in lieu thereof the word "third" and the bill was referred to Committee on Engrossment.

H.B. No. 34 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

H.B. No. 52 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

H.B. No. 69 was read the third time and lost by the following vote.

Ayes—None.

Noes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

C.B. No. 52 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—Pardee - 1. Title agreed to.

C.B. No. 55 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

C. Substitute for C.B. No. 37 was read the third time and passed by the following vote.

Ayes—Cardwell, Collins, Holliday, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Mr. President - 9.

Noes—Batchelder, Hundley, Waters - 3.

Title was amended so as to read "A bill for an act prohibiting the sale of intoxicating liquors within two miles of any Railroad in process of construction".

C.B. No. 43 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

C.B. No. 42 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters - 11.

Noes—Mr. President - 1. Title agreed to.

By consent, the following Reports were received.

Mr. President,

The minority of your Committee to whom was referred H.B. No. 28—"A bill for an act to amend Section 310 of the 5th Division of the Revised Statutes of Montana" most respectfully recommend that said bill be amended as follows, by striking out after the word "complete" (in Section one) the word "fifteen" and inserting instead the words "and operate twenty five" and as amended, recommend that it do pass.

Mr. President,

Your Special Committee to whom was referred H.B. No. 28—"A bill for an act to amend Section 310 of the 5th Division of the Revised Statutes" have had the same under consideration and the majority of your Committee beg leave to report the bill back with the recommendation that it do pass.

Cardwell  
Thompson

Waters moved that the recommendation of the minority Report be adopted which was lost.

On motion of Cardwell, the recommendation of the majority report was adopted and the bill placed on calendar for third reading.

Mr. President announced the signing of C.B. No. 34.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Thompson in the Chair.

Council resumed. Mr. President in the Chair.

The following Report was received.

Mr. President,

I am instructed by the Committee of the Whole to report back the following bills as having been considered and recommending that:

C.B. No. 53—"A bill for an act to create a Territorial Board of Medical Examiners, etc." be amended by adopting the amendments hereto annexed and that as amended the bill do pass.

That C.J.R. No. 10, to defray expenses of Executive Department, do pass.

That C.B. No. 54—"For protection of game and fish inspector" do not pass.

That H.B. No. 26—"An act to provide for the registration of the names of electors and to prevent frauds at elections" is reported back without recommendation.

J.J. Thompson, Chairman

On motion of Cardwell, the Council took a recess until 7:30 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following Reports were received.

Mr. President,

Your Committee on Ways and Means, having considered C.B. 33—"relating to assessment and levy of taxes" begs leave to report the same back recommending that the amendments hereto annexed be adopted and that as amended, the bill do pass.

J.K. Pardee, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C. amendments to H.B. No. 5—"An act concerning the rights of married women" beg to report the same correctly engrossed.

Holliday, Chairman

On motion of Sutherlin, the amendments to C.B. No. 33 were adopted, the rules were suspended, the bill considered engrossed and placed on calendar for third reading.

On motion of Kennedy, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk

## FIFTY THIRD DAY

Council Chamber, Helena, Montana  
March 3rd 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifty second day read and approved.

The report made on yesterday by Committee of the Whole was considered.

On motion of Rickards, the amendments to C.B. No. 53 were adopted and the bill was referred to Committee on Engrossment.

C.J.R. No. 10, C.B. No. 54 and H.B. No. 26 were placed on calendar for third reading.

The following reports were received.

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. No. 34—"Concerning deaf mutes and blind children" was presented to the Governor, for his consideration, at 9:30 A.M., March 3, 1887.

Kennedy, Chairman

Mr. President,

Your Committee on Incorporations to whom was referred H.B. No. 55—"Relating to the organization and incorporation of building and loan associations" herewith return the same with the recommendation that it do pass.

J.E. Rickards

Mr. President,

Your Committee on Enrollment to whom was referred C.B. No. 49—"A bill for an act to declare and protect the legal and personal identity of married women", C.B. No. 50—"A bill for an act to place the inmates of insane asylums under the protection of the laws by securing to them their postal rights", have been correctly enrolled.

Kennedy, Chairman

Mr. President,

The majority of your Conference Committee on C.B. No. 4—"Requiring the publication of certain matters" begs leave to recommend that the House recede from its amendments, striking out Section 3 and that the Council concur in the other amendments of the House.

Kennedy, Chairman

H.B. No. 55 was placed on general orders.

On motion of Kennedy, the recommendation of the report of the Committee of Conference, on C.B. No. 4, were adopted and the Council

concurred in all House amendments, except the striking out of Section 3.

Collins by consent, introduced C.B. No. 58—"An act authorizing the Governor to restore the rights of citizenship to discharged convicts." Read first and second times.

On motion of Rickards, the rules were suspended, the bill was considered engrossed, read the third time by title and passed by the following vote.

Ayes—Batchelder, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Cardwell. Title agreed to.

Rickards introduced C.B. No. 59—"A bill for an act to punish seduction." Read first and second times, on motion of Collins, the rules were suspended, the bill was considered engrossed, read third time by title and passed by the following vote.

Ayes—Batchelder, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Cardwell. Title agreed to.

The following Report was received.

Mr. President,

Your Special Committee appointed to inspect the Penitentiary and Insane Asylum have performed their duties and beg leave to report as follows:

At the Insane Asylum at Warm Springs, Deer Lodge Co., we found the present number of patients, 134; 17 of whom are women and while your Committee could suggest vast improvements in the necessary quarters and rooms, particularly, where the bad and violent cases are confined, they found the condition of the inmates as good as could be expected; the patients being well fed and clothed and humanely treated; we would accord great credit to the present contractors for the excellent manner in which they have conducted the institution.

But your Committee would earnestly recommend that arrangements be made at the earliest practicable date for the care and safe keeping by the Territory of its insane; the Committee being of the opinion that under the contract system, they cannot receive that attention and care which the Territory could give them in an institution of its own.

Holliday, Chairman

On motion of Pardee, the Report of the Contractor for keeping and medication of the insane was ordered to be spread upon the journal of proceedings of the Council.

To wit:

To His Excellency, Samuel T. Hauser, Governor of Montana Territory Sir,

In pursuance of my duty as contractor for the care and maintenance and medication of the indigent insane of the Territory of Montana, I most respectfully present to you my fourth biennial report dating from Jan. 1st 1885 to December 31st 1886.

The following summary exhibits the number of patients in the asylum, Jan. 1st 1885, number admitted, number under care and treatment, number re-

covered and discharged, number discharged improved, number deaths and escapes during the term from January 1st 1885 to December 31st 1886.

From January 1st 1885 to Dec. 31st 1886.

	Males	Females	Totals
Number of patients Jan. 1st 1885	81	10	91
Number admitted from Jan. 1st 1885 to Dec. 31st 1886	109	26	135
	190	36	226
Number discharged recovered	65	15	80
Number discharged improved	6	3	9
Number died	11	1	12
Number escaped	4		4
Discharged, died and escaped	86	19	105
Number of patients remaining January 1st 1887	104	17	121

It will be seen by the foregoing table that the term commenced with ninety one patients; that during the term there were admitted one hundred and thirty five; that eighty nine were discharged; four escaped and twelve died.

Of the deaths, three were suffocated from smoke in a burning building. (On September 28th 1885 at half past 2 O'clock A.M.) The night watchman discovered smoke issuing from a building in which three patients were confined. He at once gave the alarm and opened the doors from which burst a heavy and stifling volume of smoke, which rendered it impossible to enter the building.

We then broke in the window on the opposite side of the house, which created a draft and enabled us to get the men out.

We found them completely asphyxiated. Every effort was made to revive them but without success. One of them was slightly burned on the left leg and arm and hence we concluded that it was in his bedding that the fire originated, that he had smuggled in a pipe and matches and whilst smoking had gone to sleep. It was quite evident that they were suffocated during sleep as no noise of any kind was heard from the building. We had used every precaution against fire, the patient had been put to bed and the lights extinguished about 8 O'clock P.M. There had been no fire in the building for four months. I notified the Coroner, who held an inquest. The Jury exonerated the management from all blame.

Three died from Epilepsy; two from Maniacal Exhaustion; one from Tertiary Syphilis; one from Consumption and two from Paralysis.

These results, excepting the sad accident related above, are not only satisfactory, as compared with those of other institutions of the kind, but are highly gratifying to the management, as exhibiting a lower death rate and higher percentages of discharges than the average of the asylums and Hospitals of the United States.

Percentages of discharges on whole population	39.38
Percentages of deaths on whole population	5.3
Percentages of discharges on whole admissions	65.92

Showing the Counties from which one hundred and thirty five patients were admitted from Jan. 1st 1885 to Dec. 31st 1886.

	Males	Females	Totals
Beaverhead County	3	1	4
Deer Lodge County	19	6	25
Chouteau County	2		2
Custer County	6	3	9
Dawson County	1		1
Gallatin County	15	4	19
Jefferson County	3		3
Lewis and Clarke County	20	4	24
Madison County	3	1	4
Meagher County	2	1	3
Missoula County	13	1	14
Silver Bow County	20	3	23
Yellowstone County	2	2	4
	109	26	135

Showing the Nationality of the one hundred and thirty five patients admitted from Jan. 1st 1885 to Dec. 31st 1886.

United States	Males	Females	Totals
Alabama	1		1
Arkansas	1		1
Delaware		1	1
Georgia	2		2
Illinois	2	2	4
Indiana	2	1	3
Iowa	1		1
Kentucky	1		1
Louisiana	1		1
Maine	1		1
Maryland	2		2
Massachusetts	1		1
Missouri	3	2	5
Mississippi	1		1
Minnesota	1		1
Michigan	3	2	5
Montana Territory	2		2
Nebraska	1		1
Nevada	1		1

New Hampshire	1		1
New Jersey	1	1	2
New York	8	2	10
Ohio	2	1	3
Pennsylvania	3	2	5
Rhode Island	1		1
Utah Territory	1	1	2
Vermont	1		1
Wisconsin	3	2	5
West Virginia	4		4
	52	17	69

Foreign Countries	Males	Females	Totals
Austria	1		1
Bohemia	1		1
Canada	6	1	7
China	1		1
England	9	1	10
France	3		3
Germany	12	3	15
Ireland	21	3	24
Norway	1		1
Scotland	1	1	2
Switzerland	1		1
	57	9	66
United States	52	17	69
Grand Total	109	26	135

Recapitulation	Males	Females	Totals
United States	52	17	69
Foreign Countries	57	9	66
	109	26	135

Showing the ages at the time of admission into the asylum, January 1st 1885 to Dec. 31st 1886.

Ages	Males	Females	Totals
Less than 15 years	1		1
Between 15 and 20	6	3	9

Between 20 and 25	7	2	9
Between 25 and 30	16	7	23
Between 30 and 40	44	9	53
Between 40 and 50	21	4	25
Between 50 and 60	10	1	11
Between 60 and 70	3		3
Between 70 and 80	1		1
Totals	109	26	135

Showing the supposed cause of insanity in one hundred and thirty five patients admitted in the asylum from January 1st 1885 to Dec. 31st 1886.

	Males	Females	Totals
Intemperance	20	6	26
Masturbation	17		17
Domestic Troubles	3	2	5
Religious Excitement	4	2	6
Epilepsy	9	2	11
Injury to Head	5		5
Hereditary	10	2	12
Child Birth		2	2
Puerperal Fever		1	1
Old Age	4	1	5
Want of Employment	2		2
Defective Organization	1		1
Dysmenorrhea		1	1
General Paralysis	1		1
Paralysis	1		1
Opium		1	1
Mental Anxiety	1		1
Disappointment in Love	2	1	3
Jealousy	1		1
Venereal Diseases	1		1
Fall from a Horse	1		1
Bite of a Rattlesnake	1		1
Syphilis	2		2
Spiritualism	1	1	2
Turn of Life		1	1
Uterine Trouble		1	1
Unknown	20	2	22
Total	109	26	135

Showing the class of insanity of one hundred and thirty five patients at the time of admission January 1st 1885 to Dec. 31st 1887.

<b>Form of Disease</b>	<b>Males</b>	<b>Females</b>	<b>Totals</b>
Mania	55	13	68
Menomania	18	4	22
Melancholia	8	3	11
Dementia	27	6	33
Idiocy	1	—	1
Total	109	26	135

**Table "F"**

Showing Civil Condition of one hundred and thirty five patients at the time of their admission from January 1st 1885 to Dec. 31st 1886.

<b>Civil Condition</b>	<b>Males</b>	<b>Females</b>	<b>Totals</b>
Married	26	12	48
Single	49	11	60
Widows		3	3
Widowers	8		8
Unknown	16	—	16
	109	26	135

Occupation of one hundred and thirty five patients admitted from January 1st 1885 to Dec. 31st 1886.

<b>Occupation</b>	<b>Males</b>	<b>Females</b>	<b>Totals</b>
Laborers	35		35
Miners	25		25
Housewives		15	15
Farmers	7		7
Sheep Herders	5		5
House Servants		5	5
Carpenters	4		4
Engineers	2		2
Lumbermen	3		3
Cyprians		4	4
Machinists	2		2
No Occupation	1		1
Lawyers	1		1
Stockmen	2		2
Convicts	1		1

Hotel Keepers		1	1
Unknown	1		1
Cow Boys	2		2
Physicians	2		2
Brickmasons	1		1
Peddlers	1		1
Hunters	1		1
Cooks	1		1
Seamstresses		1	1
Confectioners	1		1
Merchants	1		1
Bookkeepers	2		2
Blacksmiths	1		1
Railroaders	2		2
Stone Masons	2		2
Bar Tenders	1		1
Restaurant Keepers	1		1
Boiler Makers	1		1
	<hr/>	<hr/>	<hr/>
	109	26	135

Showing cause of death Eleven patients during the years from Jan. 1st 1885 to Dec. 31st 1886.

Months	Cause of Death	Nationality	Age	Male	Female	Total
9/28/85	Suffocated from smoke	Missouri	34	1		1
9/28/85	Suffocated from smoke	New York	40	1		1
9/28/85	Suffocated from smoke	Scotland	28	1		1
12/21/85	Epilepsy	Connecticut	67	1		1
11/27/85	Maniacal Exhaustion	Vermont	36		1	1
1/27/86	General Paralysis	Ohio	39	1		1
3/16/86	Epilepsy	Germany	51	1		1
5/10/86	Paralysis	Sweden	30	1		1
8/7/86	Consumption	Illinois	39	1		1
9/28/86	Maniacal Exhaustion	Ireland	40	1		1
10/18/86	Epilepsy	Kentucky	43	1		1
3/16/86	Tertiary Syphilis	Wisconsin		1		1
			<hr/>	<hr/>	<hr/>	<hr/>
			11	1		12

Very Respectfully,  
A.H. Mitchell, Contractor

Warm Springs Insane Asylum  
Deer Lodge County, Montana Territory  
January 26th 1886

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Mar. 2nd 1887

Mr. President,

I am directed by the House to inform your Honorable body that Bills were introduced as follows:

By Johnson, H.B. No. 94—"A bill for an act to amend Sections 5, 6, 10, 11, 15, 18 and 19 of an act entitled an act to suppress and prevent the dissemination of contagious and infectious diseases among domestic animals and Texas cattle Approved March 10th 1885 and to add Section 20 thereto."

By Page, H.B. No. 95—"A bill for an act to amend Section 355, Title 10, Chapter 3, First Division, Revised Statutes of Montana."

By Taylor, H.B. No. 96—"For an act to repeal Section 806 of the Revised Statutes" which on motion was laid on the table.

The House has concurred in Council amendments to H.B. No. 1.

H. Bills No. 83, H.J.R. No. 4 and C. Bills Nos. 1, 31 and 32 has passed the house and they are herewith transmitted.

David Marks, Chief Clerk

On motion of Collins, the rules were suspended, H.B. 83 was read first and second times its title and referred to Committee on Incorporation.

Mr. President announced the signing of C. Bills Nos. 49 and 50.

C. Bills Nos. 1, 31 and 32 were referred to Committee on Enrollment.

H.J.R. No. 4, being substitute for H.B. No. 60, was read first and second times and referred to Committee on Ways and Means.

H.B. No. 28 was read the third time and on motion of Holliday, recommitted to Committee on Incorporations.

Mr. President announced the signing of H.J.R. No. 6, H.B. No. 43 and H.B. No. 29.

On motion of Kennedy, the third reading of H.B. No. 26 was postponed until Saturday next.

C.J.R. No. 10 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Mr. President - 11.

Noes—None. Absent Waters. Title agreed to.

C.B. No. 54 was read the third time and on motion of Rickards, referred to a Special Committee.

The Chair appointed Rickards, Sutherlin and Waters such Committee.

A communication was received from the Governor announcing his approval of C.B. No. 34.

The following Reports were received.

Mr. President,

Your Special Committee appointed to inspect the Insane Asylum and Penitentiary have performed their duties and beg leave to report as follows:

We find the Penitentiary at Deer Lodge to be conducted in a creditable and

humane manner, the prisoners with whom we conversed being of one opinion as to their treatment being humane yet firm and unflinching; the cells both inside and out were neat and clean, yet some what small to accommodate two prisoners, each, their food healthy and abundant and yet the culinary facilities are inadequate for the necessities and your Committee would suggest that more ample provisions in that respect be immediately made; their clothing and bedding is comfortable and warm and the inmates, in their isolated and unfortunate condition pass their time in reading choice books and papers kindly furnished them by the Marshall. We do not think the sanitary condition of the institution is what it should be and recommend that provisions be made for placing traps in the cells for sanitary use.

Holliday, Chairman

Mr. President,

Your Committee on Agriculture and Manufactures to whom was referred C.B. No. 57—"A bill for an act to require the owners of barbed wire fences to keep the same in repair" have had the same under consideration and beg leave to report the bill back with the recommendation that it do pass.

Cardwell, Chairman

C.B. No. 57 was placed on general orders.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Collins in the Chair.

Council resumed. Mr. President in the Chair.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Mar. 3rd 1887

Mr. President,

As per your request, I am directed by the House to return to your Honorable body, H.B. No. 42.

David Marks, Chief Clerk

On motion of Kennedy, H.B. No. 42 was referred to Special Committee appointed by the Chair, consisting of Thompson, Collins and Rickards.

The following Report was received.

Mr. President,

I am instructed by the Committee of the Whole to report back C.B. No. 57 and H.B. No. 55 with the recommendation that C.B. No. 57—"To require owners of barbed wire fences to keep the same in repair" be amended by striking out Section 2 and as amended, it do pass.

That H.B. No. 55—"To authorize the organization and incorporation of building and loan associations" be amended by adopting the amendments hereto annexed and that as amended, the bill do pass.

Collins, Chairman

On motion of Collins, the amendments to H.B. No. 55 were adopted and referred to Committee on Engrossment.

On motion of Sutherlin, the amendment to C.B. No. 57 was adopted and the bill ordered engrossed.

On motion of Kennedy, Council took a recess until 2 P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

On motion of Collins, the rules were suspended, C.B. No. 33 was read the third time by its title and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Kennedy, Pardee. Title agreed to.

Sutherlin, by consent, introduced C.J.R. No. 12, to authorize the employment of additional Clerks for the enrollment of bills.

Read first and second times, on motion of Sutherlin, the rules were suspended, the resolution was considered engrossed, read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Kennedy. Title agreed to.

The Council resolved itself into Committee of the Whole. Rickards in the Chair.

The following Reports were received.

Mr. President,

I am instructed by the Committee of the Whole to report back H.B. No. 20 as having been considered and to recommend that the amendments hereto annexed be adopted and that as amended it do pass.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. 49—"A bill for an act to declare and protect the legal and personal identity of married women" and C.B. No. 50—"A bill for an act to place the inmates of insane asylums under the protection of the laws by securing to them their postal rights" were presented to the Governor for his consideration at 1:30 P.M., March 3rd 1887.

Kennedy, Chairman

Mr. President,

Your Committee on Printing begs leave to report Substitute to H.B. No. 27—"A bill for an act to regulate gambling" as correctly printed.

Sutherlin, Chairman

On motion of Kennedy, the amendments to H.B. No. 20 were adopted and referred to Committee on Engrossment.

H.B. No. 27 was placed on general orders.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Mar. 3rd 1887

Mr. President,

I am directed by the House to inform your honorable body that notices were given as follows:

By Johnson, a bill for an act to provide for the deposit of Public Money in banks.

By Scobey, a bill to provide for the examination of employees engaged in the operating of railroad trains.

By Marshall, a bill authorizing the Governor to remove the disabilities of a person convicted of felony after expiration of sentence.

Bills were introduced as follows:

By Armstrong, H.B. No. 97—"An act for the establishment of free libraries and reading rooms in incorporated cities in the Territory of Montana." Ordered printed.

By Blake, H.B. No. 98—"A bill for an act to amend Sections 587, 589, 590 and 596 of the code of civil procedure concerning Eminent Domain." Ordered printed.

By Kanouse, H.B. No. 99—"A bill for an act creating a Territorial Board of Education." Ordered printed.

By Gorham, H.B. No. 100—"A bill for an act to create the County of Cascade, to define its boundaries and to provide for its organization."

Mr. Speaker has signed H. Bills Nos. 29, 43 and H.J.R. No. 6. Also C. Bills Nos. 49 and 50.

The House adopted the report of the Conference on H.B. No. 5 and the bill was ordered enrolled.

The House concurs in Council amendments to H.B. No. 34.

H.B. No. 36, C. Bills No. 16, as amended and No. 45, as amended and C.J.R. No. 11 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

On motion of Kennedy, the House amendments to C.B. No. 45 were concurred in and the bill referred to Committee on Enrollment.

C.J.R. No. 11 was referred to Committee on Enrollment.

On motion of Collins, C.B. No. 16 was referred to Committee on Incorporations.

On motion of Kennedy, the rules were suspended, H.B. No. 36 was read first and second times by its title and referred to Committee on Ways and Means.

The following reports were received.

Mr. President,

Your Committee on Incorporations to whom was referred H.B. No. 28—"An Act concerning Railroad Corporations" herewith return the same with the recommendation that it do pass without further amendments.

J.E. Rickards, Chairman

Mr. President,

As minority of the Committee on Incorporations, I recommend that H.B. No. 28 be amended by inserting in section 310, line six, after the word "miles"

the words "upon each of its lines, branches or connections".

Kennedy

Hundley in the Chair.

On motion of Sutherlin, the recommendation of the minority report was adopted.

The amendment to H.B. No. 28 was adopted and referred to the Committee on Engrossment.

On motion of Rickards, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## FIFTY FOURTH DAY

Council Chamber, Helena, Montana  
March 4th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifty third day read and approved.

Petitions were presented as follows:

By Rickards, Petition of 338 residents of Silver Bow County for passage of law prohibiting gambling. By Kennedy, Petition of residents of Missoula County on same subject, also, petition for law requiring saloons and business houses to remain closed on Sunday. By Holliday, Protest against law increasing price of licenses for selling liquor. Petitions received and ordered placed on file.

The following reports were received.

Mr. President,

Your Committee on Ways and Means to whom was referred H.J.R. No. 2, for the relief of John X. Beidler and H.J.R. No. 4, substitute for H.B. No. 60—"An act for the relief of Fisk Bros." having had the same under consideration beg leave to report the same back with the recommendation that they do pass.

Pardee, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred C.B. No. 48—"A bill for an act to restrict the duties of County Clerks, Probate Judges and Justices of the Peace" and H.B. No. 44—"An act to amend Section 38 of the Fifth Division of the Revised Statutes of Montana" having had the same under consideration beg leave to report the same back without recommendation.

Pardee, Chairman

Mr. President,

Your Committee on Enrollment to whom was referred C.J.R. No. 11, to provide compensation for Wm. Steel and Frank R. Shaffer, Accountants, ask to report the same correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Enrollment to whom was referred C.B. No. 31—"A bill for an act to authorize the changing the names of persons and places" beg to report the same correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Enrollment to which was referred C.B. No. 1—"An act amending sections 529 of the fifth division of the Revised Statutes of

Montana" begs leave to report it back as correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Enrollment to whom was referred C.B. No. 32—"A bill for an act providing for the adoption of children" beg to report the same correctly enrolled.

Kennedy

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 53—"A bill for an act creating a Territorial Board of Medical Examiners and defining their duties" beg to report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 57—"A bill for an act to require the owners of barbed wire fences to keep the same in repair", Council amendments to H.B. No. 55—"A bill for an act to authorize the organization and incorporation of building and loan associations" beg to report them correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred Council amendments to H.B. No. 28—"A bill for an act to amend Section 310 of the Fifth Division of the Revised Statutes of Montana", H.B. No. 20—"An act to establish a Hospital for the Insane" ask to report them correctly engrossed.

Holliday, Chairman

To the President of the Council and the Speaker of the House of Representatives:

As a member of the joint committee appointed to inspect the Insane Asylum and Penitentiary, I beg leave to submit the following minority report:

Your Committee found, upon their visit, to the penitentiary that under the rules then in force the prisoners were receiving but two meals per day. Of this condition, many of the Territorial prisoners complained to me on the ground that two meals per day were insufficient and expressed a desire that immediate and proper steps should be taken to the end that three meals per day might be served during the period of their confinement. I am well aware that if the prisoners could have the selection of their own food that it is possible that two meals per day might be sufficient but the quantity and quality not being a matter of their own selection, it would seem necessary, in order to properly sustain life and with due regard to the health of the prisoners, that three meals per day should be furnished and I respectfully recommend that in contracting for the care and feeding of the prisoners that three meals per day be demanded. I also found from statements made to me by prisoners that the guards are in the habit of punishing prisoners in their discretion and without reference of case for punishment to the warden of the penitentiary. This is a matter which, in my judgment, should be speedily corrected and the guards prohibited from inflicting any punishment whatever upon any prisoner confined in the penitentiary, except the same be done under the supervision and by the direction of the warden of the penitentiary.

I further found that there is no provision for extinguishing fire and believe that prompt and proper action should be taken to the end that a fire department should be established within the penitentiary or that other sufficient means be at once employed to enable them to extinguish fire.

I beg leave further to report that, in my judgment, some steps should be immediately taken which will enable the Territorial prisoners to be employed at some kind of labor, in such manner as will conflict to the least possible extent with the products of the laborers in the general community. Many of the prisoners urged me to attempt to bring about such an arrangement of their condition and confinement as will enable them to be employed. Confined as they are, with nothing to do when the term of their sentence has expired, they are turned loose upon the world, disheartened, in no condition to labor and with no means of caring for themselves and physically wrecked to the extent that they are powerless, if they would in many instances overcome the evil habits formed prior to their confinement, and to enable them to rise, if they would to the dignity of manhood. It has been truly said that an idle brain is the devil's workshop and that when a man is turned loose after three or five years' confinement, physically unable to cope with other laborers in his struggle for existence, we have added to the possibilities of the commission of crime and have done nothing toward the reformation of the convict. I recommend that some steps be immediately taken whereby the Territorial convicts can be employed as I have hereinbefore suggested, believing that reform can only be effectually obtained by preparing the criminal to care for himself after the expiration of his confinement.

E.C. Waters

H.J.R. No. 2, H.J.R. No. 4 and C.B. No. 48 were placed on general orders.

H. Bills Nos. 44, 55, 28, 20, C. Bills Nos. 53 and 57 were placed on calendar for third reading.

On motion of Pardee, H.B. No. 44 was taken from calendar for third reading and placed on general orders.

On motion of Collins, the rules were suspended, H.B. No. 55 was read the third time by its title and passed as amended by the following vote.

Ayes—Batchelder, Pardee, Sutherlin, Thompson, Waters, Mr. President - 6.

Noes—Collins, Cardwell, Holliday, Hundley - 4. Absent Kennedy, Rickards. Title agreed to.

H.B. No. 28 was read the third time.

On motion of Sutherlin, a call of the House was had. Roll called. Kennedy not being present, the Sergeant-at-Arms was ordered to bring in the absentee, who appeared and on motion of Pardee, further proceedings under the call were dispensed with.

On motion of Sutherlin, the bill was referred to a select committee and Kennedy, Sutherlin and Waters were by the Chair appointed such Committee.

On motion of Pardee, the rules were suspended, H.B. No. 28 was read the third time by its title and passed as amended by the following vote.

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Collins.

On motion of Pardee, the title was amended so as to read "An act to

establish and maintain an Hospital for the Insane".

A communication was received from the Governor announcing that on March 3rd 1887 he had approved and signed C. Bills Nos. 49 and 50.

C.B. No. 57 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Mr. President - 10.

Noes—Waters - 1. Absent Collins. Title agreed to.

Mr. President announced the signing of C.J.R. No. 11, C. Bills Nos. 1, 31 and 32.

On motion of Pardee, the rules were suspended, C.B. No. 53 was read the third time by its title and passed by the following vote.

Ayes—Batchelder, Cardwell, Hundley, Kennedy, Pardee, Thompson - 6.

Noes—Holliday, Sutherlin, Waters, Mr. President - 4. Absent Collins, Rickards.

On motion of Pardee, the title was amended so as to read "A bill for an act creating a Board of Medical Examiners and Board of Health and defining their duties".

On motion of Kennedy, the Council took a recess until 2 O'clock P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following reports were received.

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. No. 1—"Amending Section 529 of the Fifth Division of the Revised Statutes of Montana", C.B. No. 31—"Authorizing the changing of names of towns and places", C.B. No. 32—"Concerning the adoption of children" and C.J.R. No. 11, for the relief of Wm. Steel and Frank Shaffer, were presented to the Governor for his consideration at 11:45 P.M., March 4.

Kennedy, Chairman

Mr. President,

Your Committee on Incorporations has considered C.B. No. 16—"Concerning banks and banking" and recommend that the House amendments be non-concurred in and that the Council ask for a Conference Committee of one from each House to consider the bill and amendments.

Rickards, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred H.J.R. No. 3, for the relief of Ansalem J. Davidson and Wm. N. Baldwin, having had the same under consideration, most respectfully report the same back with the recommendation that it do pass.

Waters  
Collins

Mr. President,

Your Special Committee on H.B. No. 28—"Amending Section 310 of the Fifth Division of the Revised Statutes" begs leave to recommend the subjoined amendments and that as so amended the bill do pass.

Kennedy, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred H.B. No. 36—"An act concerning licenses" having had the same under consideration beg leave to report the same back without recommendation.

J.K. Pardee, Chairman

On motion of Collins, the recommendations of the Committee on Incorporations in regard to C.B. No. 16 were adopted, the Council refused to concur in House amendments and the Chair appointed Collins to act on the part of the Council as Committee of Conference.

On motion of Kennedy, the amendments to H.B. No. 28 were adopted, considered engrossed and the bill placed on its final passage. The bill was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Waters, Mr. President - 10.

Noes—Pardee - 1. Absent Thompson. Title agreed to.

H.J.R. No. 3 and H.B. No. 36 were placed on general orders.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

The following reports were received.

Mr. President,

I am instructed by the Committee of the Whole to report back H.J.R. No. 2, for relief of X. Beidler, without recommendation, and in regard to the following bills recommending:

That H.J.R. No. 4, Substitute for H.B. No. 60—"For relief of Fisk Bros." do pass.

That C.B. No. 48—"To restrict the duties of County Clerks, Probate, Judges and Justices of Peace" do not pass.

That H.J.R. No. 3, for the relief of Ansalem J. Davidson and William N. Baldwin, do pass.

That H.B. No. 36—"Concerning Licenses" be referred to a special committee to report at 7 P.M. today, the amendments recommended by Committee of the Whole and such others as they may deem needful.

That H.B. No. 27 be postponed until next session of the Committee.

J.K. Pardee, Chairman

Mr. President,

Your Committee on Judiciary to which was referred C.J.R. No. 9—Authorizing Chas. H. Snell to compile, arrange, print and publish the general and permanent laws of the Territory of Montana, etc., begs leave to

report that it has carefully considered the same and recommend that it do not pass.

Collins, Chairman

Mr. President,

Your Select Committee to which was referred C.B. No. 44—"An act for the care and maintenance of orphan children" was referred, has considered the same and begs leave to report the following amendment therefor and to recommend that such amendment be adopted.

Collins  
Thompson  
Sutherlin

Mr. President,

Your Committee on Judiciary to which was referred C.B. No. 51—"An act concerning fees of expert witnesses and jurors" has considered the same and suggests the following amendment, to wit: strike out the words "five dollars" in line 5 of section 2 and insert in lieu thereof the following: "The following fees, to wit: to the physician empanelled on such jury the sum of five dollars; each other person empanelled on such jury the sum of three dollars;" and as thus amended recommends its passage.

Collins, Chairman

On motion of Collins, the amendments to C.B. No. 51 were adopted and the bill referred to Committee on Engrossment.

On motion of Kennedy, C.J.R. No. 9 was laid on the table.

On motion of Collins, the amendments to C.B. No. 44 were adopted and placed on general orders.

H.J.R. Nos. 2, 3 and 4 were placed on calendar for third reading.

On motion of Collins, the recommendations of the Committee of the Whole concerning H.B. 36 were adopted and the bill was referred to a special committee appointed by the Chair and consisting of Hundley, Holliday and Sutherlin.

On motion of Kennedy, the consideration of C.B. No. 48 was indefinitely postponed.

A communication was received from the Governor announcing his approval on this day of C. Bills Nos. 31 and 32 and C.J.R. No. 11.

The following communication from the House was received.

Helena, M.T.  
March 4, 1887

Mr. President,

I am directed by the House to inform your honorable body that Bills were introduced as follows:

By Marshall, H.B. No. 101—"An act concerning mortgages on both real and personal property." Ordered printed.

By Johnson, H.B. No. 102—"Bill for an act to provide for the deposit of public funds in banks."

Mr. Speaker has signed C. Bills Nos. 1, 31, 32 and C.J.R. No. 11.

H.J.R. No. 5 and C.B. No. 29 have been laid upon the table. C. Bills Nos. 24, as amended, 27, as amended, and No. 30, as amended; also, C. Bills Nos. 6 and

58 have passed the House and they are herewith transmitted. H. Bills Nos. 35, 38 and 59 have passed and they are herewith transmitted.

The House has concurred in Council amendments to H.B. No. 55.

The House refuses to concur in Council amendments to H.B. No. 20 and respectfully asks the Council to recede therefrom. The bill is herewith returned.

C.B. No. 25 was read a third time and lost and the same is herewith transmitted.

David Marks, Chief Clerk

On motion of Rickards, the Council concurred in House amendments to C.B. No. 24 and the bill was ordered enrolled. On motion of Sutherlin, the Council concurred in House amendments to C.B. No. 27. Ordered enrolled. On motion of Sutherlin, the Council concurred in House amendments to C.B. No. 30. Ordered enrolled.

On motion of Kennedy, the Council refused to recede from its amendments to H.B. No. 20.

C. Bills Nos. 6 and 58 were referred to Committee on Enrollment.

On motion of Collins, the rules were suspended, H.B. No. 35 was read first and second times by its title and referred to Committee on Education and Labor.

On motion of Collins, the rules were suspended, H.B. No. 38 was read first and second times by its title and referred to Committee on Roads and Highways.

On motion of Collins, the rules were suspended, H.B. No. 59 was read first and second times by its title and referred to Committee on Mines and Minerals.

On motion of Cardwell, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## FIFTY FIFTH DAY

Council Chamber, Helena, M.T.  
March 5, 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifty fourth day read and approved.

Collins presented protest of citizens of Choteau County against County division.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
March 4, 1887

Mr. President,

I am directed by the House to inform your honorable body that C.J.R. No. 10, C.J.R. No. 12, as amended, and H.B. No. 76 have passed the House and they are herewith transmitted.

H.B. No. 77 has been laid on the table.

David Marks, Chief Clerk

C.J.R. No. 10 was referred to Committee on Enrollment.

On motion of Kennedy, the Council concurred in House amendments to C.J.R. No. 12 and the bill was referred to Committee on Enrollment.

The following reports were received:

Mr. President,

Your Committee on Mines and Minerals to whom was referred H.B. No. 59—"An act to amend an act concerning the representation of quartz lodes" having had the same under consideration beg leave to report the same back with the recommendation that it do pass.

J.K. pardee, Chairman

Mr. President,

Your Committee on Roads and Bridges to whom was referred H.B. No. 38 have had the same under consideration and recommend that it do pass.

Holliday, Chairman

Mr. President,

Your Committee on Incorporations to whom was referred H.B. No. 67—"In relation to the alienation of mining property by corporations" herewith return the same with recommendation that it do pass.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Incorporations to whom was referred H.B. No. 83—"A

bill for an act concerning savings banks and trust deposit and security associations" herewith return the same without recommendation.

J.E. Rickards, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred C.B. No. 51—"An act concerning expert witnesses and jurors" ask leave to report it correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Military affairs to which was referred H.B. No. 90—"To provide for keeping the military stores" begs leave to report it back with the recommendation that the subjoined amendment be adopted and that the bill do pass as amended.

Kennedy, Chairman

Mr. President,

Your Special Committee to whom was referred C.B. No. 54—"Relating to the better protection of game and fish and for the creation of the office of game and fish Detective" report the same back without recommendation.

J.E. Rickards, Chairman

H. Bills Nos. 59, 38, 67, 83 were placed on general orders.

On motion of Kennedy, the amendments to H.B. No. 90 were adopted, the rules were suspended and the amendments considered engrossed.

C.B. No. 51 and H.B. No. 90 were placed on calendar for third reading.

The Special Committee on H.B. No. 36 were allowed until 2 P.M. to report.

Rickards moved that H.B. No. 36 be made the special order for 2:30 P.M., which was lost.

On motion of Pardee, the consideration of C.B. No. 54 was indefinitely postponed.

H.B. No. 76 was read first and second times and placed on general orders.

On motion of Collins, H.B. No. 26 was read the third time by its title, placed on its final passage and lost by the following vote.

Ayes—Batchelder, Holliday, Pardee, Rickards, Waters - 5.

Noes—Cardwell, Collins, Hundley, Kennedy, Sutherlin, Thompson, Mr. President - 7.

Mr. President gave notice of motion for reconsideration of the vote on H.B. No. 26.

H.J.R. No. 4 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—Kennedy - 1. Title agreed to.

On motion of Sutherlin, H.J.R. No. 2 was referred to a select committee to report at 2 P.M. The Chair appointed Sutherlin, Thompson and Waters such committee.

H.J.R. No. 3 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

The following report was received.

Mr. President,

Your Committee on Enrollment to whom was referred C.J.R. No. 12, to authorize the employment of additional clerks, ask leave to report the same correctly enrolled.

Kennedy, Chairman

Water (by consent) introduced C.J.R. No. 13, for the relief of Farragut Post No. 7 G.A.R. Read first and second times.

On motion of Sutherlin, the rules were suspended, the resolution was considered engrossed. Read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

Cardwell introduced C.J.R. No. 14, to defray the expenses of the Joint Committee visiting the Penitentiary and the Territorial Insane Asylum and for other purposes. Read first and second times.

On motion of Cardwell, the rules were suspended, the resolution was considered engrossed, read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None. Title agreed to.

H.B. No. 90 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Thompson, Waters, Mr. President - 12.

Noes—None.

Title amended so as to read "A bill for an act to provide for the keeping of the military stores and for other purposes".

C.B. No. 51 was read the third time and passed by the following vote.

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—Kennedy, Pardee - 2.

Title amended so as to read "An act concerning the fees of expert witnesses and jurors".

Council resolved into Committee of the Whole for the consideration of general orders, Collins in the Chair.

Council resumed. Mr. President in the Chair.

Collins, Chairman of Committee of the Whole, reported progress and the Committee was granted leave to sit again.

Mr. President announced the signing of C.J.R. No. 12.

On motion of Kennedy, the Council took a recess until 2 P.M.

2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following report was received.

Mr. President,

The undersigned Committee of Conference on C.B. No. 16—"An act concerning banks and banking" have considered the same and respectfully recommend that all the House amendments be adopted and that the annexed additional amendments do pass.

T.E. Collins, Committee on behalf  
of the Council  
H.N. Blake, Committee on behalf  
of the House

On motion of Collins, the amendments to C.B. No. 16 were adopted and considered engrossed.

Mr. President announced the signing of H. Bills Nos. 62, 71, 34, 41, 23 and 52.

The following report was received.

Mr. President,

Your Committee on Enrollment begs leave to report that C.J.R. No. 12, authorizing the appointment of additional clerks, was presented to the Governor for his consideration at 1:30 P.M., March 5, 1887.

Kennedy, Chairman

A communication was received from the Governor announcing his approval on this day of C.B. No. 1 and C.J.R. No. 12.

By consent, the following reports were received.

Mr. President,

Your Committee on Education and Labor to whom was referred H.B. No. 35—"Relating to liens of mechanics and others" do respectfully recommend that it do pass.

J.E. Rickards, Chairman

Mr. President,

Your Special Committee to whom was referred H.B. No. 36—"A bill for an act concerning license" begs leave to report that the same has been considered and amended and as so amended, recommend that it do pass.

W.B. Hundley, Chairman

Mr. President,

We, your Special Committee, to whom was referred C.B. No. 46—"A bill for an act to provide for the establishing of graded school districts" having had the same under consideration beg leave to report the bill back with the recommendation that it be indefinitely postponed.

Thompson  
Collins

Rickards made a verbal minority report recommending that the bill be not

postponed.

H. Bills Nos. 35 and 36 were placed on general orders.

On motion of Waters, the majority report on C.B. No. 46 was adopted.

Thompson moved that C.B. No. 46 be indefinitely postponed.

A vote by ayes and noes being called for by Rickards, the motion was carried by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Kennedy, Thompson, Waters, Mr. President - 8.

Noes—Hundley, Pardee, Rickards, Sutherlin - 4.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
March 5, 1887

Mr. President,

I am directed by the House to inform your honorable body that the House concurs in Council amendments to H.B. No. 28.

The Chair has appointed as a member of the conference on the part of the House on C.B. No. 16, Mr. Blake.

Bills were introduced as follows:

By Scobey, H.B. No. 103—"An act to improve the efficiency, morality and general standing in railway service and to further insure the safety of the traveling public." Ordered printed.

By Hanscom, H.B. No. 104—"An act providing for a Territorial Inspector of Boilers and Stationary Engines." Ordered printed.

H. Bills Nos. 65 and 72 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

On motion of Pardee, the rules were suspended, H.B. No. 65 was read first and second times by its title and placed on general orders.

H.B. No. 72 was read first and second times and on motion of Hundley, placed on general orders.

The Council resolved into Committee of the Whole for the consideration of general orders, Collins in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

The following reports were received:

Mr. President,

Your Committee on Enrollment to whom was referred C.B. No. 30—"An act increasing the salaries and bonds of Territorial Auditor and Treasurer" ask leave to report the same correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Enrollment begs leave to report that Wm. F. Wheeler and James B. Wells have been appointed as additional Clerks to enroll bills and

do such other work as may be required of them, in accordance with the provisions of C.J.R. No. 12.

Kennedy, Chairman

Cardwell demanded that a call of the House be had. Roll called. Waters not being present, the Sergeant-at-Arms was ordered to bring in the absentee, who appeared and all further proceedings under the call were dispensed with.

Council resolved itself into Committee of the Whole for the consideration of general orders, Collins in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

Council resolved itself into Committee of the Whole for the consideration of general orders, Collins in the Chair.

Council resumed. Mr. President in the Chair.

Mr. President announced the signing of C.B. No. 30.

The following report was received.

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. No. 30—"Increasing the salaries and bonds of the Territorial Auditor and Treasurer" was presented to the Governor for his consideration at 4:55 P.M., March 5, 1887.

Kennedy, Chairman

A communication was received from the Governor announcing his approval on this day of C.B. No. 30.

The following communications from the House were read:

House of Representatives, Helena, M.T.  
March 5, 1887

Mr. President,

I am directed by the House to inform your honorable body that the House recedes from its amendments to C.B. No. 4 in striking out section 3.

H.B. No. 64 has passed the House and is herewith transmitted.

David Marks, Chief Clerk

House of Representatives, Helena, M.T.  
March 5, 1887

Mr. President,

I am directed by the House to inform your honorable body that the report of the conference committee on C.B. No. 16 has been adopted and the bill is herewith transmitted. The House concurs in Council amendments to H.B. No. 90.

David Marks, Chief Clerk

C. Bills Nos. 4 and 16 were referred to Committee on Enrollment.

On motion of Kennedy, the rules were suspended, H.B. No. 64 was read first and second times by its title and placed on general orders.

Kennedy moved that the Council adjourn until Monday at 10 A.M.

Thompson moved to amend by striking out 10 and inserting 9, which was lost.

The original motion carried and the Council adjourned until Monday next at 10 A.M.

Reuben L. Davis, Chief Clerk



## FIFTY SEVENTH DAY

Council Chamber, Helena, M.T.  
March 7, 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Rev. Mr. Nutting.

Journal of fifty sixth [sic] day read and approved.

The following reports were received.

Mr. President,

Your Committee on Enrollment to which was referred C.B. No. 6—"An act to amend article 1 of chapter 15 of the fifth division of the Revised Statutes of Montana, relating to corporations for industrial or productive purposes", C.B. No. 24—"Relating to the protection, employment and adoption of children", C.B. No. 27—"An act to punish persons for making fraudulent pedigrees of live stock", C.B. No. 58—"Authorizing the Governor to restore the rights of citizenship to discharged convicts" and C.J.R. No. 10, to defray the expenses of the executive department would report the same back as correctly enrolled.

Kennedy, Chairman

Mr. President,

The majority of your Special Committee having had H.B. No. 42; being a "Bill for an act relating to elections" under consideration, beg leave to report the same back with the annexed amendments and when so amended, recommend that it do pass.

Thompson  
Collins

Rickards, of same Committee, made a verbal minority report recommending that the bill pass without amendment.

The following report was received.

Mr. President,

Your Special Committee has had H.J.R. No. 2, for the relief of John X. Beidler, begs leave to report that it has considered the same and recommends that the following amendments be made and as so amended the resolution do pass.

Sutherlin  
Thompson  
Waters

Mr. President,

The Committee of the Whole has considered H.B. No. 36—"Concerning licenses" and recommends that it do pass with the annexed amendments.

Collins, Chairman

Mr. President,

Your Committee of the Whole has considered H.B. No. 38—"Concerning roads and highways" and recommends that it be amended as annexed and that as so amended, it do pass.

T.E. Collins, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred H.J.R. No. 2, for the relief of John X. Beidler, ask leave to report the amendments thereto correctly engrossed.

Holliday, Chairman

On motion of Kennedy, H.B. No. 42 was placed on general orders.

On motion of Sutherlin, the amendments to C.J.R. No. 2 were adopted and referred to Committee on Engrossment.

On motion of Collins, amendments Nos. 1 to 12, inclusive, to H.B. No. 36 were adopted and the other amendments thereto were rejected. Referred to Committee on Engrossment.

Mr. President announced the signing of H.J.Rs. Nos. 3 and 4 and H. Bills Nos. 28, 5, 90 and 55, C.J.R. No. 10 and C. Bills Nos. 27, 24, 58 and 6.

On motion of Kennedy, the amendments to H.B. No. 38 were adopted, considered engrossed and the bill placed on calendar for third reading.

H.J.R. No. 2 was placed on calendar for third reading.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
March 5, 1887

Mr. President,

I am directed by the House to inform your honorable body that the House concurs in all amendments to H.B. No. 20, except that suggested in line 3, section 10, also line 5, section 15, also lines 6 and 7, section 15, also the proviso added to section 30. The bill is hereby transmitted. The Governor has today approved H. Bills Nos. 34, 62, 52, 41, 23, 1 and 71.

David Marks, Chief Clerk

On motion of Holliday, the Council refused to recede from its amendments to H.B. No. 20 and requested that the bill be referred to a conference committee of four. The Chair appointed Collins and Kennedy to act on said committee on the part of the Council.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
March 5, 1887

Mr. President,

I am directed by the House to inform your honorable body that H. Bills Nos. 57, 81, 85 and 95 have passed the House and they are herewith transmitted.

H.B. No. 79 and C.B. No. 53 have been lost and the latter is herewith transmitted.

David Marks, Chief Clerk

On motion of Kennedy, the rules were suspended, H.B. No. 57 was read

first and second times by its title and referred to Committee on Education and Labor.

On motion of Kennedy, the rules were suspended, H.B. No. 81 was read first and second times by its title and placed on general orders.

H.B. No. 95 was read first and second times and referred to Committee on Judiciary.

On motion of Kennedy, the rules were suspended, H.B. No. 85 was read first and second times by its title and placed on general orders.

H.J.R. No. 2 was read the third time and lost by the following vote.

Ayes—Cardwell, Holliday, Hundley, Waters - 4.

Noes—Batchelder, Kennedy, Rickards, Sutherlin, Thompson, Mr. President - 6. Absent Collins, Pardee.

On motion of Kennedy, the rules were suspended, H.B. No. 38 was read the third time by its title and placed on final passage. The bill passed by the following vote.

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Collins, Waters. Title agreed to.

On motion of Hundley, H.B. No. 85 was placed at head of calendar of general orders.

The Council resolved itself into Committee of the Whole for the consideration of general orders.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

Your Committee of the Whole having considered the following bills would report them back with the recommendation that H. Bs. Nos. 85, 72, 81, 44, as amended, do pass.

That the amendments to H.B. No. 27, except that part thereof included between the words "apartment" in line 7 and "without" in line 14 of section 1, be adopted and that the bill as amended, do pass.

Thompson, Chairman

On motion of Kennedy, the amendments to H.B. No. 27 as reported by the Committee of the Whole were adopted and referred to Committee on Engrossment.

On motion of Kennedy, the amendments to H.B. No. 44 were adopted. The rules were suspended, the bill was considered engrossed and placed on calendar for third reading.

H. Bills Nos. 85, 72 and 81 were placed on calendar for third reading.

The following communication from the House was received:

House of Representatives, Helena, M.T.  
March 7, 1887

Mr. President,

I am directed by the House to inform your honorable body that Bills were

introduced as follows:

By Mantle, H.B. No. 105—"An act to authorize married women to transact business in their own names as sale traders."

By Blake, H.B. No. 106—"An act concerning the constructing of certain statutes."

Mr. Speaker has signed H.J.R. Nos. 3 and 4, H. Bills Nos. 5, 55, 28 and 90 and C. Bills Nos. 24, 27, 58, 6 and C.J.R. No. 10.

C. Bills Nos. 42 and 51 have been laid on the table.

H.J.R. No. 7, H. Bills 80, 82, 63 and 73 and C.J.R. No. 13 and C.B. No. 33 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

C.J.R. No. 13 and C.B. No. 33 were referred to Committee on Enrollment.

On motion of Kennedy, Council took a recess until 2 P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

H.J.R. No. 7 was read first and second times and referred to Committee on Judiciary.

The following reports were received.

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. No. 6—"Amending Chapter 15, fifth division of the Revised Statutes", C.B. No. 24—"Concerning protection, employment and adoption of children", C.B. No. 27—"Punishing the making of fraudulent pedigrees of livestock", C.B. No. 58—"Authorizing the Governor to restore discharged convicts to citizenship" and C.J.R. No. 10, to defray the expenses of the Executive department, were presented to the Governor for his consideration at 1:50 P.M., March 7.

Kennedy, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred H.B. No. 36—"An act concerning licenses" ask leave to report the same correctly engrossed.

Holliday, Chairman

H.B. No. 36 was placed on calendar for third reading.

H.B. No. 80 was read first and second times.

On motion of Kennedy, the rules were suspended and the bill was placed on calendar for third reading.

H.B. No. 63 was read first and second times.

On motion of Kennedy, the rules were suspended and the bill was placed on calendar for third reading.

H.B. No. 82 was read first and second times and on motion of Sutherlin, the rules were suspended and the bill was placed on calendar for third reading.

H.B. No. 73 was read first and second times and on motion of Sutherlin, referred to Committee on Judiciary.

H.B. No. 81 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Collins, Pardee. Title agreed to.

On motion of Cardwell, the rules were suspended, H.B. No. 44 was read the third time by its title and placed on its final passage. The bill passed by the following vote:

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Collins, Pardee. Title agreed to.

On motion of Kennedy, the rules were suspended, H.B. No. 72 was read the third time by its title and placed on its final passage. The bill passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

H.B. No. 85 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Collins, Pardee. Title agreed to.

The following report was received.

Mr. President,

Your Committee on Engrossment to whom was referred Council amendment to H.B. No. 27—"An act to regulate gambling" ask to report the same correctly engrossed.

Holliday, Chairman

H.B. No. 27 was placed on calendar for third reading.

On motion of Kennedy, H.B. No. 36 was read the third time by its title and placed on its final passage. The bill passed by the following vote:

Ayes—Batchelder, Cardwell, Holliday, Kennedy, Sutherlin, Thompson, Mr. President - 7.

Noes—Hundley, Rickards, Waters - 3. Absent Collins, Pardee. Title agreed to.

H.B. No. 27 was read the third time and passed as amended by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—Rickards - 1. Absent Pardee. Title agreed to.

The following message from the Governor was received and on motion of Sutherlin, was referred to Conference Committee on H.B. No. 20.

Territory of Montana  
Governor's Office  
Helena, March 7, 1887

Gentlemen of the Legislative Council,

I have the honor to call your attention to the necessity of some additional legislation upon the subject of insane persons (the worst of all afflictions to which our race is subject).

The history of that disease upon the human family has demonstrated the fact that a large per cent of those adjudged by courts and juries to be insane and placed for care and treatment within the curative homes provided for them by the Government, have been restored to their reason or so much improved that they deserve to be and have been discharged from that confinement and turned out again as reasonable and free subjects.

The Territory of Montana has made liberal and humane provisions for the care and treatment of all that unfortunate class of its population; but there is no provision of law sufficiently explicit upon the point at which, and when, they may and should be discharged; nor is there any provision of law under which the indigent ones of those confined there can be sent away comfortably clad and with means of subsistence for any time while returning to friends or searching for employment.

I am advised that when such persons have been discharged heretofore, the physicians in charge of the asylum have generously supplied their necessities but to do so they drafted upon their own private funds; whereas the Territory should supply a fund for that purpose.

I recommend that you enact before your final adjournment a law which will cover these defects, the statutes upon that subject.

Respectfully  
P.H. Leslie

The following report was received.

Mr. President,

Your Committee on Enrollment to which was referred C.B. No. 16—"Concerning banks and banking" begs leave to report it correctly enrolled.

Kennedy, Chairman

Hundley (by consent) introduced C.B. No. 60—"A Bill for an act to amend an act concerning the inmates of public institutions." Read first and second times and referred to special committee of conference on H.B. No. 20.

The Council resolved itself into Committee of the Whole for the consideration of general orders, Thompson in the Chair.

Council resumed. Mr. President in the Chair.

Thompson, from Committee of the Whole, reported progress and was granted time to prepare report. Hundley in the Chair.

Mr. President moved that the vote by which H.B. No. 26 was lost on Saturday be reconsidered.

Collins rose to a point of order. That the motion to reconsider was not made on the same day when the vote desired to be reconsidered was taken nor on the day following.

The Chair decided the point of order, well taken. Holliday appealed from the decision of the Chair. A vote by ayes and noes being demanded by Collins, the decision of the Chair was not sustained, the vote being as follows.

Ayes—Cardwell, Collins, Hundley, Sutherlin, Thompson - 5.

Noes—Batchelder, Holliday, Kennedy, Rickards, Waters, Mr. President - 6. Absent Pardee.

The motion to reconsider the vote on H.B. No. 26 was lost by the following vote:

Ayes—Batchelder, Holliday, Rickards, Waters, Mr. President - 5.

Noes—Cardwell, Collins, Hundley, Kennedy, Sutherlin, Thompson - 6. Absent Pardee.

The following report was received:

Mr. President,

Your Committee on Judiciary to whom was referred substitute for H.B. No. 95—"An act to amend section 355 of the first division of the Revised Statutes" and H.J.R. No. 7, to compensate Chas. H. Snell, have examined the same and recommend that they do pass. To H.B. No. 73—"An act authorizing the appointment of stenographers by the district courts" your Committee recommends the annexed amendments and as amended, that the bill do pass.

T.E. Collins, Chairman

On motion of Collins, the amendments to H.B. No. 73 were adopted and referred to Committee on Engrossment.

H.J.R. No. 7 was placed on general orders.

The following communication from the Governor was received and referred to Committee on Education and Labor.

Territory of Montana  
Governor's Office  
Helena, March 7, 1887

Gentlemen of the Legislative Council,

In compliance with the provisions of an act of the Fifteenth Legislative Assembly of the Territory of Montana, Entitled "An act to provide for a Territorial Board of Arbitration for the settlement of differences between employers and employees" approved 28th day of February, 1887. I nominate for your advice, consent and confirmation the following persons as fit and competent to fill the office of a Territorial Board of Arbitration and Conciliation. To wit: Manlius V. Kirtley, (a representative man of the laborers of Montana) of the County of Lewis and Clarke, Richard A. Eddy (a representative man of those who employ labor in said territory) of the County of Missoula and W.J. Penrose (a representative citizen of said territory), not engaged in any avocation necessitating the employment of or being employed for labor of the County of Silver Bow.

Respectfully  
P.H. Leslie

The following report was received.

Mr. President,

Your Committee of the Whole having had the same under consideration recommend that H. Bills Nos. 59, 67, 35 and 64 and C.B. No. 44 be passed, that H.B. No. 83 be amended by striking out the word "fifty" in section 1, page 2, line 2, and inserting in lieu thereof the word "twenty" and in section 16, subdivision 6, by striking out the word "fifty" and inserting in lieu thereof the word "twenty" and that as thus amended, it be passed. That H.B. No. 76 be referred to a Special Committee. That H.B. No. 42 be referred to Mr. Collins as

a Committee. H.B. No. 65 is returned for later action.

Thompson, Chairman

On motion of Collins, the rules were suspended, H.B. No. 83 was taken up, the amendments were adopted, considered engrossed, the bill read a third time by its title and placed on its final passage. The bill passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

H. Bills Nos. 59, 67, 35, 64 and C.B. No. 44 were placed on calendar for third reading.

H.B. No. 76 was referred to a Select Committee appointed by the Chair and consisting of Thompson, Hundley and Holliday.

H.B. No. 42 was referred to Collins as a Select Committee of one.

H.J.R. No. 7 and substitute for H.B. No. 95 were placed on general orders.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
March 7, 1887

Mr. President,

I am directed by the House to inform your honorable body that C.J.R. No. 8 and C.B. No. 10, as amended, have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

C.J.R. No. 8 was referred to Committee on Enrollment.

On motion of Thompson, the House amendments to C.B. No. 10 were concurred in and the bill was referred to Committee on Enrollment.

On motion of Collins, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk

## FIFTY EIGHTH DAY

Council Chamber, Helena, M.T.  
March 8, 1887

Council met at 10 A.M. pursuant to adjournment,

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Minutes of preceding day read, corrected and approved.

The following reports were received:

Mr. President,

Your Committee on Enrollment to whom was referred C.B. No. 45—"An act relating to the formation of municipal corporations" ask to report the same correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Enrollment begs leave to report back as correctly enrolled C.J.R. No. 8, to compensate D.H. Weston for recording marks and brands, and C.B. No. 10—"Concerning payment of jurors and witnesses in attendance upon the district court".

Kennedy, Chairman

Mr. President,

Your Committee on Enrollment to which was referred C.B. No. 4—"Requiring the publication of certain matters" and C.J.R. No. 13, for the relief of Farragut Post No. 7, G.A.R., begs leave to report them back correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred Council amendments to H.B. No. 73—"An act authorizing the appointment of stenographers by the district court" ask leave to report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Special Committee to whom was referred H.B. No. 76—"An act to amend sections 2 and 5 of an act entitled an act to protect game, fur-bearing animals and fish, approved March 8, 1883" have had the same under consideration and recommend the annexed amendments be adopted and when so amended, recommend the bill do pass.

Thompson, Chairman

The amendments recommended by the Special Committee to H.B. No. 76 were adopted, the rules suspended, the amendments considered engrossed and

the bill placed on calendar for third reading.

Hickman, by unanimous consent, introduced C.B. No. 61—"A bill for an act to amend section 192 of the fourth division of the Revised Statutes of Montana". The bill was read first and second times, the rules suspended, the bill considered engrossed, read third time by title and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee.

No objection being made, the following report was received:

Mr. President,

Your Committee on Towns and Counties to whom was referred H.B. No. 91—Entitled "An act concerning prisoners in city jails" have had the same under consideration and beg leave to report the bill back with the recommendation that it do pass.

Cardwell, Chairman

The above report was adopted and H.B. No. 91 was filed for third reading.

Kennedy, by unanimous consent, introduced C.J.R. No. 15, instructing the Secretary of the Territory to omit the publication of a certain alleged law relating to the protection of game. The resolution was read first and second times, the rules suspended, the resolution considered engrossed and on motion of Rickards, referred to Judiciary Committee.

The following communication from the House was received:

House of Representatives, Helena, M.T.  
March 7, 1887

Mr. President,

I am directed by the House to inform your honorable body that the House has concurred in Council amendments to H. Bills Nos. 38, 27, 83 and 44 and they were ordered enrolled. The House refuses to concur in Council amendments to H.B. No. 36 and asks the Council to recede. The bill is herewith returned.

David Marks, Chief Clerk

On motion of Kennedy, the Council refused to recede from its amendments to H.B. No. 36 and asked for a Committee of Conference relative thereto. Mr. President appointed as such Committee on the part of the Council, Messrs. Kennedy, Cardwell and Batchelder.

H.B. No. 63 was read the third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

H.B. No. 82 was read the third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Kennedy, Pardee. Title agreed to.

H.B. No. 80 was read third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Rickards,

Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Kennedy, Pardee. Title agreed to.

H.B. No. 35 was read the third time by title, under suspension of the rules and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

H.B. No. 67 was read third time by title, under suspension of the rules and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

H.B. No. 59 was read third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

H.B. No. 64 was read third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

The Committee on Enrollment reported as correctly enrolled C. Bills Nos. 4, 10 and 45 and C.J.Rs. Nos. 8 and 13.

Mr. President announced the signing of the above bills and resolutions.

The amendments to H.B. No. 73 having been reported engrossed, on motion of collins, consent being unanimously granted, the amendment was further amended by striking out the word "two" in last line of the amendment and the word "thousand" in section 4, line 4 of the original bill and inserting in lieu thereof the words "eighteen" in amendment and "hundred" in the original bill and as thus amended, the bill was read third time and passed as amended by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

The amendments proposed to H.B. No. 76 were adopted, the bill read a third time and passed, as amended, by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

H.B. No. 91 was read third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

On motion of Hundley, the vote by which H.B. No. 63 was passed was reconsidered.

Waters, by unanimous consent, introduced C.B. No. 62—"An act to

prevent persons from unlawfully using or wearing the badges of the G.A.R., K of L or any other society in this Territory". The bill was read first and second times, the rules suspended, the bill considered engrossed, read third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

C.B. No. 44 was read third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Sutherlin, Thompson, Waters, Mr. President - 9.

Noes—Kennedy, Rickards - 2. Absent Pardee. Title agreed to.

On motion of Hundley, H.B. No. 63 was referred to the Committee on Towns and Counties.

The following communication from the Governor was received.

Territory of Montana  
Governor's Office  
Helena, March 8, 1887

Gentlemen of the Council,

I have the honor to inform you that on the 7th, March, 1887, I approved and signed bills which originated in your body, numbered and titled as follows to wit: Bill No. 24—Entitled "An act relating to the protection, employment and adoption of children", Bill No. 6—Entitled "An act to amend article 1 of chapter 15 of the fifth division of the Revised Statutes of Montana relating to corporations for industrial or productive purposes", Bill No. 58—Entitled "An act authorizing the Governor to restore the rights of citizenship to discharged convicts", Bill No. 27—Entitled "An act to punish persons for making fraudulent pedigrees of livestock" and Council Joint Resolution No. 10, entitled Council Joint Resolution No. 10 to defray the expenses of the Executive Department.

Respectfully  
P.H. Leslie

On motion of Kennedy, the Council took a recess until 2 P.M. this day.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication from the house was received:

House of Representatives, Helena, M.T.  
March 8, 1887

Mr. President,

I am directed by the House to inform your honorable body that C. Bills Nos. 5, 41, 39, 55 and H.B. 103 have been laid on the table and C. Bills Nos. 52 and 59 have been lost and they are herewith transmitted.

H.Bills Nos. 66 and 75 have been lost.

C. Bills Nos. 26, 38 and House substitute for C.J.R. No. 14 and C.B. No. 37, as amended, have passed the house and they are herewith transmitted.

H.J.R. No. 8, under a suspension of the rules, H. Bills Nos. 50, 68 and 94 have passed the House and they are herewith transmitted.

Blake introduced H.J.R. No. 9, making appropriation for the Historical Society of Montana.

Mr. Speaker has signed C. Bills Nos. 45, 10, 8, 4 and C.J.R. No. 13.

Mr. Speaker has appointed as Conference Committee on the part of the House on H. Bill No. 36, Messrs. Mantle, Marshall and Toole.

David Marks, Chief Clerk

C. Bills Nos. 26 and 38 having passed the House were referred to the Committee on Enrollment.

House substitute for C.J.R. No. 14 was read the first and second times and on motion of Cardwell, referred to a Special Committee. Mr. President appointed as such Committee, Cardwell, Collins and Rickards.

H.J.R. No. 8 was read first and second times, the rules suspended, read third time and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Thompson, Waters, Mr. President - 10.

Noes—None. Absent Pardee, Sutherlin. Title agreed to.

The House amendments to substitute for C.B. No. 37 having been concurred in, the bill was referred to the Committee on Enrollment.

The following report was received:

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. No. 4—"Concerning the publication of certain matters", C.B. No. 10—"Concerning payment of jurors and witnesses in criminal cases in attendance upon the district court", C.B. No. 16—"Concerning banks and banking", C.B. No. 45—"Providing for municipal corporations", C.J.R. No. 8, providing compensation for D.H. Weston and C.J.R. No. 13, for the relief of Farragut Post No. 7, G.A.R., were presented to the Governor for his consideration at 11:50 A.M.

Kennedy, Chairman

H.B. No. 50 was read first and second times and referred to Committee on Judiciary.

The following report was received.

Mr. President,

Your Select Committee recommend that the annexed amendments be added to substitute for C.J.R. No. 14 and that as so amended the substitute do pass.

Cardwell, Chairman

The amendment proposed by the Select Committee to C.J.R. No. 14 was adopted and the resolution referred to the Committee on Engrossment.

The following report was received:

Mr. President,

Your Select Committee has considered H.B. No. 42—"Relating to elections" and recommends that sections 3, 4 and 5 be added as annexed and

that as so amended it do pass.

T.E. Collins, Select Committee

The motion of Hundley to strike out the word "fifty" where the same occurs in section 5 of the amendment and substitute in lieu thereof the words "twenty-five" was lost. The amendments proposed by the Select Committee to the Bill on call of ayes and noes, was adopted by the following vote:

Ayes—Collins, Cardwell, Holliday, Hundley, Kennedy, Sutherlin, Thompson, Waters, Mr. President - 9.

Noes—Batchelder, Rickards - 2. Absent Pardee.

Waters having moved to strike out section 4 of the bill with the amendment thereto, Collins called for the ayes and noes and the motion was adopted by the following vote:

Ayes—Batchelder, Holliday, Kennedy, Rickards, Waters, Mr. President - 6.

Noes—Collins, Cardwell, Hundley, Sutherlin, Thompson - 5. Absent Pardee.

The motion of Collins to strike out section 4 of the bill on call of the ayes and noes, was adopted by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Sutherlin, Thompson, Waters - 9.

Noes—Rickards, Mr. President - 2. Absent Pardee.

On motion of Rickards, to strike out the Enacting Clause was adopted.

On motion of Batchelder to indefinitely postpone the bill, on call of the ayes and noes, was adopted by the following vote:

Ayes—Batchelder, Holliday, Kennedy, Rickards, Waters, Mr. President - 6.

Noes—Collins, Cardwell, Hundley, Sutherlin, Thompson - 5. Absent Pardee.

Under suspension of the rules, H.B. No. 68 was read first and second times by title and referred to the Committee on Corporations.

On consideration of H.B. No. 94, the rules were suspended, the bill read first and second times by title and placed on general orders.

The following report was received.

Mr. President,

Your Committee on Education and Labor to whom was referred the nomination of the Governor of M.V. Kirtley, R.A. Eddy and W.J. Penrose to constitute the Territorial Board of Arbitration and conciliation respectfully report the same back with the recommendation that they be confirmed.

J.E. Rickards, Chairman

On motion of Kennedy, the above report was adopted.

The nomination of M.V. Kirtley was thereupon confirmed by the following vote:

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Mr. President - 9.

Noes—Collins, Waters - 2. Absent Pardee.

The nomination of Richard A. Eddy was confirmed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee.

The nomination of W.J. Penrose was confirmed by the following vote:

Ayes—Cardwell, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters - 7.

Noes—Batchelder, Collins, Holliday, Mr. President - 4. Absent Pardee.

Mr. President announced the signing of H. Bills Nos. 27, 81, 44, 85, 72 and 38.

The following reports were received:

Mr. President,

Your Committee on Enrollment to whom was referred C.B. No. 26—"To provide compensation for Samuel Snyder for certain services, etc." respectfully reports the same back correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Judiciary Committee has considered C.J.R. No. 15, instructing the Secretary to omit the publication of a certain alleged law relating to the protection of game, and recommend that it do pass.

Collins, Chairman

On motion of Kennedy, the rules were suspended, the resolution read third time by title, considered engrossed and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

The following report was received:

Mr. President,

Your Committee has considered C.B. No. 60—"To amend an act concerning the inmates of public institutions" and recommend that it do pass.

Collins  
Kennedy

On motion of Hundley, the rules were suspended, the bill read third time by title and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

The following communication from the Governor was received:

Territory of Montana  
Governor's Office  
Helena, March 8, 1887

Gentlemen of the Council,

I have the honor to inform you that I have on this day approved and signed the Bill No. 10, which originated in your body and is entitled, "A Bill for an act

concerning payment of jurors and witnesses in criminal cases in attendance upon the district court" also Bill No. 16, Entitled, "An act concerning banks and banking" and Also Council Joint Resolution No. 8, Entitled, to compensate D.H. Weston for services rendered the Territory, and also No. 13, Entitled, C.J.R. for the relief of Farragut Post No. 7, G.A.R.

Respectfully,  
P.H. Leslie

The Council resolved itself into Committee of the Whole, Collins in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received:

Mr. President,

Your Committee of the Whole to which was referred H.B. No. 65—"Local option", H.B. No. 95—"To amend section 355 of first division of Revised Statutes", H.J.R. No. 7, to compensate Chas. H. Snell, and H.B. No. 94—"To amend veterinary surgeon and stock laws and recommend that all the bills do pass without amendment.

T.E. Collins, Chairman

H.B. No. 65 was referred to general orders.

On motion of Kennedy, the rules were suspended, H.B. No. 94 read third time by title and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

Mr. President announced the signing of C.B. No. 16.

Waters gave notice that he should move the reconsideration of the vote by which the nomination of W.J. Penrose had been confirmed.

On motion of Kennedy, the Council adjourned until 10 A.M. tomorrow.

Reuben L. Davis, Chief Clerk

## FIFTY NINTH DAY

Council Chamber, Helena, Montana  
March 9th 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifty eighth day read and approved.

The following reports were received:

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. No. 26—"To compensate Samuel Snyder for certain services" was handed to the Governor for his consideration at 4:45 P.M., March 8, 1887.

Kennedy, Chairman

Mr. President,

Your Committee on Enrollment to which was referred C.B. No. 33—"Relating to the assessment and levy of taxes", C.B. No. 37—"Prohibiting the sale of liquor within two miles of any railroad in course of construction" and C.B. No. 38—"Concerning marriage" begs leave to report them as correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Engrossment to whom was referred Council amendments to House substitute for C.J.R. No. 14 ask to report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Incorporations to whom was referred H.B. No. 68—"Relating to the organization of Railroad Corporations and to regulate the operation thereof" herewith return the same with the recommendation that it be laid on the table.

J.E. Rickards, Chairman

Mr. President announced the signing of C. Bills Nos. 33, 37 and 38, also, H. Bills Nos. 83, 64, 67, 59, 91, 80, 82 and 76.

C.J.R. No. 14 was placed on calendar for third reading.

On motion of Kennedy, H.B. No. 68 was laid on the table.

The following communication from the House was received:

House of Representatives, Helena, M.T.  
March 8, 1887

Mr. President,

I am directed by the House to inform your honorable body that Blake, by

unanimous consent, recalled H.B. No. 20 and an error in section 32 was corrected. The amendment is attached to the bill and the same is herewith transmitted.

The House refuses to concur in Council amendments to H.B. No. 73 and respectfully asks the Council to recede. The House concurred in Council amendments to H.B. No. 76.

H. Bills Nos. 27, 72, 85, 44, 81 and 38 and C.B. No. 26 were signed by Mr. Speaker.

Substitute for H.B. No. 39 has passed the House and is herewith transmitted.

H.B. No. 102 has been laid on the table.

David Marks, Chief Clerk

On motion of Collins, the Council refused to recede from its amendment to H.B. No. 73 and requested a Committee of Conference thereon. The Chair appointed Rickards and Collins, such Committee to act on the part of the Council.

On motion of Collins, the House amendment to H.B. No. 20 was concurred in and a further amendment to the bill was adopted.

H.B. No. 39 was read first and second times. Rickards moved that the rules be suspended, the bill read the third time and placed on its final passage.

Cardwell moved as an amendment that the bill be laid on the table, which was carried and the bill ordered laid on the table by the following vote:

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy, Thompson, Waters - 7.

Noes—Collins, Rickards, Sutherlin, Mr. President - 4. Absent Pardee.

The following report was received:

Mr. President,

Your Committee on Education and Labor to whom was referred H.B. No. 57—"An act reorganizing and consolidating the Montana Library" report the same back with annexed amendment and recommend that as amended, it do pass.

J.E. Rickards, Chairman

On motion of Kennedy, the amendment was adopted, considered engrossed and H.B. No. 57 was placed on general orders.

The following message from the Governor was received and read, together with the reports of the President of the Historical Society, therein mentioned.

Territory of Montana  
Governor's Office  
Helena, M.T., March 9, 1887

Gentlemen of the Council,

In pursuance to the provisions of section 26 of fifth division of the Revised Statutes of Montana, I herewith transmit to you and through you to the House of Representatives, two reports from W.F. Sanders, President of the Historical Society of Montana. They were delivered to me in my office two days ago.

Respectfully,  
P.H. Leslie

On motion of Kennedy, the chief clerk was directed to transmit to the House the reports and a copy of the Governor's communication.

On motion of Kennedy, Pardee was granted leave of absence from date of commencement of his present illness until he shall be able to resume his place in the Council.

H.B. No. 65 was read the third time and on motion of Sutherlin, amended by striking out the words "one tenth" in section 1 and inserting "one-third" and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Rickards, Sutherlin, Thompson, Waters, Mr. President - 9.

Noes—Hundley, Kennedy - 2. Absent Pardee. Title agreed to.

H. substitute for H.B. No. 95 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Mr. President - 10.

Noes—None. Absent Pardee, Waters. Title agreed to.

The following report was received:

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. 33—"Concerning assessment and levy of taxes", C.B. No. 37—"Prohibiting sale of liquor within two miles of any railroad in course of construction", and C.B. No. 38—"Concerning marriages" was handed to the Governor for his consideration at 11 A.M., March 9.

Kennedy, Chairman

H.J.R. No. 7 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Kennedy, Rickards, Sutherlin, Thompson, Mr. President - 9.

Noes—None. Absent Hundley, Pardee, Waters. Title agreed to.

On motion of Cardwell, the rules were suspended, H. substitute for C.J.R. No. 14 was read the third time by its title and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

On motion of Kennedy, the Council took a recess until 2 P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

Holliday, by unanimous consent, introduced C.B. No. 63—"A Bill for an act defining the apportionment of members of the House of Representatives in the Counties of Meagher and Gallatin." Read first and second times.

On motion of Holliday, the rules were suspended, the bill was considered engrossed, read the third time by its title and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

The following reports were received:

Mr. President,

Your Judiciary Committee has considered H.B. No. 50—"The fee bill" and return the same without recommendation except that it be placed on general orders.

Collins, Chairman

H.B. No. 50 was placed on general orders.

The following communication was received from the House:

House of Representatives, Helena, M.T.  
March 9, 1887

Mr. President,

I am directed by the House to inform your honorable body that Mr. Speaker has signed H. Bills Nos. 83, 64, 67, 59, 91, 80, 82 and 76 and C. Bills 33 and 38.

C.B. No. 15 has been laid on the table.

The House has concurred in Council amendments to H.B. No. 20.

The majority report of the conference committee on H.B. No. 36.

H.B. No. 102 has been taken from the table.

H.J.R. No. 9 and H. Bills Nos. 48, 74, 84, 89 and 78 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

H.B. No. 48 was read first and second times and on motion of Kennedy, placed on general orders.

H.J.R. No. 9 was read first and second times and on motion of Kennedy, placed on general orders.

H.B. No. 74 was read first and second times and on motion of Sutherlin, placed on general orders.

H.B. No. 78 was read first and second times and placed on general orders.

H.B. No. 84 was read first and second times and placed on general orders.

H.B. No. 89 was read first and second times and on motion of Hundley, referred to Committee on Judiciary.

Mr. President announced the signing of H. Bills Nos. 20, 35, 94 and H.J.R. No. 8.

The following communication from the Governor was received and on motion of Kennedy, referred to Committee on Grazing and stock growing.

Territory of Montana  
Governor's Office  
Helena, March 9, 1887

Gentlemen of the Legislative Council,

In pursuance to the requirements of the act passed by the present Legislative Assembly, which has been approved on this day and is entitled "An act to amend sections, one, five, six, seven, eight and twelve of an act for the better protection of the livestock interests of the Territory approved March 12, 1885", I nominate for your advice, consent and confirmation to be "The Board of Stock Commissioners" for Montana the following named gentlemen,

to wit: B.F. Potts for the County of Lewis and Clarke; C. Wallis Taylor for the County of Choteau; David Fratt for the County of Meagher; Granville Stuart for the County of Fergus; Alfred Myers for the County of Yellowstone E.S.T. Johnston for the County of Custer and C.R.A. Scobey for the County of Dawson.

Respectfully,  
P.H. Leslie

The Council resolved into Committee of the Whole for consideration of general orders, Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

The Council resolved into Committee of the Whole, Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

The following communication from the House was read:

House of Representatives, Helena, M.T.  
March 9, 1887

Mr. President,

I am directed by the House to inform your honorable body that the House has concurred in Council amendments to C.J.R. No. 14 and H.B. No. 65.

H. Bills 86 and 97 have passed the House and are herewith transmitted.

The Chair has appointed as conference Committee on H.B. No. 73 Messrs. Scobey, Blake and Kanouse.

David Marks, Chief Clerk

H. Substitute for C.J.R. No. 14 and C. Bills Nos. 61 and 62 were referred to Committee on Enrollment.

The following communication from the House was read.

House of Representatives, Helena, Montana  
March 9, 1887

Mr. President,

I am directed by the House to inform your Honorable body that the Governor has approved the following bills, H.Bs. Nos. 72, 85, 27, 44, 81, 38.

The Conference Committee on H.B. No. 36 have withdrawn their report.

C.B. No. 36 was lost and the same is herewith transmitted.

H.B. No. 93, as amended, C.Bs. 61, 62, 57, 43, have passed the House and are herewith transmitted.

David Marks, Chief Clerk

H.B. No. 93 was read first and second times and placed on general orders.

Kennedy moved that the Council refuse to concur in House amendments to C.B. No. 43.

Rickards moved, as an amendment, that the Council do concur in said amendments which was lost.

The motion of Kennedy was then carried by the following vote:

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy, Thompson, Waters - 7.

Noes—Collins, Rickards, Sutherlin, Mr. President - 4. Absent Pardee.

On motion of Sutherlin, another Committee of Conference on the bill was requested and the Chair appointed Rickards, Waters and Sutherlin such Committee on the part of the Council.

The following Report was received.

Mr. President,

Your Committee of the Whole has had under consideration H.B. No. 48—"To provide for the payment of stock killed by railroads." H.J.R. No. 9, making appropriation for the Historical Society, H.B. No. 84—"Increasing the fees of Sheriffs for board of prisoners" and recommend that they do pass. Also H.B. No. 74—"To encourage the construction of canals in the Territory of Montana" and recommend that it do not pass. Also H.B. No. 78—"To amend the act creating the office of County Attorney" with amendments and recommend that the bill do pass, as amended.

Kennedy, Chairman

H.J.R. No. 9, H.Bs. Nos. 84 and 48 were placed on calendar for third reading.

On motion of Kennedy, the consideration of H.B. No. 74 was indefinitely postponed.

On motion of Kennedy, the amendments to H.B. No. 78 were adopted, the rules were suspended, the bill was considered engrossed, read the third time by its title and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Thompson, Waters - 9.

Noes—Kennedy, Mr. President - 2. Absent Pardee. Title agreed to.

On motion of Kennedy, the rules were suspended, H.B. No. 48 was read the third time by its title and placed on its final passage. The bill passed by the following vote;

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Mr. President - 10.

Noes—Waters - 1. Absent Pardee. Title agreed to.

On motion of Kennedy, the rules were suspended, H.B. No. 78 was read the third time by its title and placed on its final passage.

The bill passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Thompson, Waters - 9.

Noes—Kennedy, Mr. President - 2. Absent Pardee. Title agreed to.

The following Report was received:

Mr. President,

Your Committee of the Whole has had under consideration H.B. No. 57—"An act reorganizing and consolidating the Montana Library" and begs leave to report it back with the annexed amendments, recommending to pass, as amended.

Kennedy, Chairman

On motion of Kennedy, the amendments to H.B. No. 57 were adopted, the rules were suspended, the amendments considered engrossed, the bill was

read the third time by its title and placed on its final passage.

The bill passed by the following vote:

Ayes—Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—Batchelder - 1. Absent Pardee. Title agreed to.

The following reports were received:

Mr. President,

The majority of the Council Committee to confer with a like Committee from the House to consider H.B. No. 36—"An act concerning licenses" have met in Committee and considered the same and beg leave to report that we refuse to recede from the Council amendments.

Cardwell  
Batchelder

Mr. President,

The majority of the Conference Committee on H.B. No. 36—"Relating to license" would report that we recommend that the House concur in all the Council amendments except that to the last paragraph of Sec. 7 and in that case the license fee shall be one hundred and twenty dollars, per annum. Also excepting Council amendments to Sec. 22, which amendments shall be made to read "That no license provided for in Section 7 of this act shall be granted for a less time than six months."

Lee Mantle  
Thos. Marshall  
J.R. Toole  
Will Kennedy

Cardwell moved that the majority report be adopted.

Rickards moved to amend by striking out the word "Minority" and inserting "Majority" which was lost.

The recommendation of the minority Report was then adopted by the following vote:

Ayes—Batchelder, Cardwell, Holliday, Hundley, Sutherlin, Waters - 6.

Noes—Collins, Kennedy, Rickards, Thompson, Mr. President - 5. Absent Pardee.

Cardwell moved that the Council request the appointment of another Committee of Conference on the bill, which was carried and the Chair appointed Collins, Sutherlin and Rickards to act as such Committee on the part of the Council.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Mar. 9, 1887

Mr. President,

I am directed by the House to inform your Honorable body that H. Bills Nos. 98 and 102, as amended, have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

H.B. No. 86 was read first and second times and referred to Committee on Judiciary.

On motion of Collins, the rules were suspended and H.B. No. 98 was read first and second times by its title and referred to Committee on Judiciary.

On motion of Collins, the rules were suspended, H.B. No. 97 was read first and second times by its title and placed on general orders.

On motion of Collins, the rules were suspended, H.B. No. 102 was read first and second times by its title and referred to the Committee on Ways and Means.

On motion of Rickards, the Council took a recess until 7:30 P.M.

### 7:30 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following report was received.

Mr. President,

Your Committee on Enrollment to whom the following bills were referred would report the same correctly enrolled, to wit:

C.J.R. No. 14, to defray the expenses of the Joint Committee visiting the Penitentiary and Territorial Insane Asylum and the Committee to confer with a joint Committee appointed by the Legislative Assembly of Dakota. Also, C.B. No. 57—"A bill for an act to require the owner of barbed wire fences to keep the same in repair." Also, C.B. No. 61—"An act to amend Section 192 of the Fourth Division of the Revised Statutes of Montana." Also, C.B. No. 62—"An act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic, Knights of Labor or any other Society in this Territory."

Kennedy, Chairman

The following communication was received.

House of Representatives, Helena, M.T.  
March 9th 1887

Mr. President,

I am directed by the House to inform your honorable body that the Chair has appointed as another Conference Committee on C.B. No. 36, Messrs. Kanouse, Harwood and Brown.

The House respectfully requests that the Council return H.B. No. 102, as a motion for its reconsideration is pending.

David Marks, Chief Clerk

H.B. No. 102 was withdrawn from Committee on Ways and Means and ordered returned to the House.

The following report was received:

Mr. President,

Your Committee of the Whole have had under consideration H.B. No. 50—"Concerning fees and salaries" and begs leave to report it back with amendments as annexed and would recommend its passage as amended.

Kennedy, Chairman

By unanimous consent, H.B. No. 50 was amended by striking out the words "of less than five millions," and on motion of Kennedy, the rules were suspended, the amendments considered engrossed, the bill was read the third time by its title and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

Collins, by consent, presented protest of residents against division of Choteau County.

The following reports were received:

Mr. President,

The Conference Committee on H.B. No. 36—"Relating to License" would report that we recommend that the House concur in all the Council amendments except that to the last paragraph of Sec. 7 and in that case, the license fee shall be one hundred and twenty dollars per annum.

Also, excepting Council amendments to Sec. 22, which amendments shall be made to read: "that no license provided for in Section 7 of this act shall be granted for a less time than six months."

Collins  
Sutherlin  
Rickards  
Brown  
Kanouse  
Harwood

On motion of Rickards, the recommendations of the Report in regard to H.B. No. 36 were adopted.

The following report was received.

Mr. President,

Your Committee on Judiciary has considered H.B. No. 89—"To amend Section 319 of the First Division of the Revised Statutes of Montana" and reports the same back with the recommendation that it do pass.

Collins, Chairman

H.B. No. 89 was placed on general orders.

The Council resolved itself into Committee of the Whole for the consideration of general orders.

Council resumed. Mr. President in the Chair.

Mr. President announced the signing of H.Bs. 65 and 95 and H.J.R. No. 7.

The following communication from the House was received:

House of Representatives, Helena  
March 9, 1887

Mr. President,

I am directed by the House to inform your Honorable Body that H.B. No. 107 has passed the House, under a suspension of the rules, and the same is herewith transmitted.

David Marks, Chief Clerk

H.B. No. 107 was read first and second times and placed on general orders.  
The following report was received:

Mr. President,

Your report on Judiciary to whom was referred H.B. No. 86—"An act to amend Section 292 of the Fifth Division of the Revised Statutes" and report the same back with the recommendation that it pass.

Collins, Chairman

H.B. No. 86 was placed on general orders.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Collins in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

Council resolved itself into Committee of the Whole for the consideration of general orders.

Council resumed. Mr. President in the Chair.

A communication was received from the Governor announcing his approval of C. Bills Nos. 38, 37 and 26.

The following communication from the House was read.

House of Representatives, Helena, M.T.  
March 9th 1887

Mr. President,

I am directed by the House to inform your honorable body that the Committee on Military Affairs has been appointed as a Conference Committee on the part of the House on C.B. No. 43.

The consideration of the amendments of the Council to H.B. No. 78 was indefinitely postponed.

The House concurs as to the first Council amendment to H.B. No. 57 and refuses to concur as to the second and respectfully asks the Council to recede. The bill is herewith transmitted.

C.B. No. 47, as amended, has passed the House and is herewith transmitted.

The House has adopted the report of the Conference Committee on H.B. No. 36.

David Marks, Chief Clerk

On motion of Cardwell, the Council refused to recede from its amendments to H.B. No. 57 and requested the appointment of a Committee of Conference thereon. The Chair appointed Kennedy, Thompson and Sutherlin to act as such Committee on the part of the Council.

On motion of Sutherlin, the House amendments to C.B. No. 47 were concurred in by the following vote:

Ayes—Cardwell, Collins, Rickards, Sutherlin, Thompson, Waters, Mr. President - 7.

Noes—Batchelder, Holliday, Hundley, Kennedy - 4. Absent Pardee.

The following report was received.

Mr. President,

Your Committee of the Whole has considered H.B. No. 93, the school law and recommends its passage; also, H.B. No. 86—"To amend Section 292 of Fifth Division Revised Statutes" and recommend it do pass; also, H.B. No. 89,

Section 319, First Division of the Revised Statutes and recommend it do pass; also, H.B. No. 97—"To establish libraries" and recommend it lay on the table; also, H.B. No. 107—"To amend the insane asylum law" and recommend that it be referred to a special Committee of three and that the House be requested to appoint a like Committee to act jointly.

Collins, Chairman

H. Bills Nos. 86, 89 and 93 were placed on calendar for third reading.

On motion of Rickards, the recommendations of the report in regard to H.B. 97 were adopted and the bill was laid on the table.

H.B. No. 107 was referred to Committee on Judiciary to act on the part of the Council and the House was requested to appoint a like Committee to confer thereon.

The following report was received:

Mr. President,

The Committee of Conference of the two Houses on C.B. No. 43 having considered the same beg leave to report the bill back and recommend that the House recede from its amendments striking out section 1 and that the Council concur in the House amendment to section 3.

Blake, Chairman  
Committee on the part of House  
J.E. Rickards, Chairman  
of Committee on part of Council

On motion of Rickards, the recommendations of the report were adopted.

The following report was received:

Mr. President,

Your Committee on Judiciary to whom was referred H.B. No. 98—"An act to amend Sections 587, 589, 590 and 596 of the code of civil procedure, concerning eminent domain" have examined the same and report it back with the recommendation that it do pass.

T.E. Collins, Chairman

H.B. No. 98 was placed on general orders.

On motion of Kennedy, the Council took up the bills for third reading.

H.J.R. No. 9 was read the third time and lost by the following vote:

Ayes—Batchelder, Cardwell, Holliday, Hundley, Mr. President - 5.

Noes—Collins, Kennedy, Rickards, Sutherlin, Thompson, Waters - 6.  
Absent Pardee.

H.B. No. 84 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy,  
Rickards, Sutherlin, Waters, Mr. President - 10.

Noes—Thompson - 1. Absent Pardee. Title agreed to.

On motion of Collins, the rules were suspended, H.B. No. 93 was read the third time by its title and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy,  
Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to, as amended.

H.B. No. 86 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

H.B. No. 89 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

Holliday, by unanimous consent, introduced C.B. No. 64—"An act to reimburse the sheriffs of the different counties of the Territory of Montana for the board of County prisoners." Read first and second times. On motion of Waters, the rules were suspended, the bill was considered engrossed, read the third time by title and placed on its final passage. The bill passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Waters - 7.

Noes—Rickards, Sutherlin, Thompson, Mr. President - 4. Absent Pardee. Title agreed to.

Collins gave notice of motion of reconsideration of the vote by which H.B. No. 84 passed the Council.

Waters moved that the vote by which H.B. No. 84 passed the Council be reconsidered.

Collins rose to a point of order, that he had already given notice of motion to reconsider the vote and the same could not now be reconsidered except upon his motion.

The Chair decided the point of order well taken.

Mr. President announced the signing of H. Bills Nos. 65 and 48.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Mar. 9, 1887

Mr. President,

I am directed by the House to inform your honorable body that H.B. No. 106, under a suspension of the rules, has passed the House and is herewith transmitted.

David Marks, Chief Clerk

H.B. No. 106 was read first and second times.

On motion of Rickards, the rules were suspended, the bill was read the third time by its title and placed on its final passage and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

On motion of Collins, the Council adjourned until tomorrow at ten o'clock A.M.

Reuben L. Davis, Chief Clerk

## SIXTIETH DAY

Council Chamber, Helena, Montana  
March 10th 1887

Council met at 10 O'clock A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifty ninth day read and approved.

Mr. President announced the signing of C.Bs. Nos. 57, 61 and 62 and C.J.R. No. 14.

The following Reports were received.

Mr. President,

Your Enrolling Committee to whom was referred C.B. No. 47—"An act to prevent dissemination of scab and infectious diseases among sheep" ask leave to report the same correctly enrolled.

Kennedy, Chairman

The following communications from the House were received.

House of Representatives, Helena, M.T.  
March 9th 1887

Mr. President,

I am directed by the House to inform your honorable body that H.B. No. 102 has been laid on the table. H.B. No. 100 has been lost. The House refuses to concur in Council amendments to H.B. No. 50 and asks the Council to recede. The bill is herewith returned.

The House has adopted the report of the Conference Committee on C.B. No. 43.

Mr. Speaker has signed H.B. No. 48, H.B. No. 101, as amended, has passed the House and is herewith transmitted.

The Governor has approved H. Bills Nos. 83, 80, 82, 35, 76, 67, 64, 59, 91, 94 and H.J.R. No. 8.

David Marks, Chief Clerk

H.B. No. 101 was ordered returned to the House for correction of its history.

The following communication from the House was received.

House of Representatives, Helena, Montana  
Mar. 9, 1887

Mr. President,

I am directed by the House to inform your Honorable body that H.B. No. 9 has passed the House and is herewith transmitted.

David Marks, Chief Clerk

On motion of Collins, the Council refuses to recede from amendments to

H.B. No. 50 and Holliday, Collins and Waters were appointed a Committee of Conference thereon.

H.B. No. 9 was read first and second times.

Waters moved that the bill be referred to Committee on Federal Relations.

Rickards moved as an amendment, that the bill be placed on general orders, which was lost.

The original motion was then carried and the bill referred to Committee on Federal Relations.

Mr. President announced the signing of C.B. No. 47.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
March 10th 1887

Mr. President,

I am directed by the House to inform your honorable body that the House concurs in Council amendments to H.B. No. 57.

Mr. Speaker has signed C. Bills Nos. 61, 62, 57, 47 and C.J.R. No. 14.

David Marks, Chief Clerk

On motion of Collins, the vote by which H.J.R. No. 9 was lost on yesterday was reconsidered and the Resolution passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—Kennedy - 1. Absent Pardee. Title agreed to.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Mar. 10th 1887

Mr. President,

I am directed by the House to inform your honorable body that C.B. No. 60 has passed the House and is herewith transmitted.

David Marks, Chief Clerk

C.B. No. 60 was referred to Committee on Enrollment.

A communication was received from the Governor announcing that he had on this day approved C.B. No. 45.

Council took a recess until 11:15 A.M.

**11:15 A.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following Report was received:

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. No. 57—"To require the owners of barbed wire fences to keep them in repair", C.B. No. 61—"To amend Section 192 of the 4th Division of the Revised Statutes", C.B. No. 62—"To prevent persons from unlawfully wearing Grand Army or other

badges", C.J.R. No. 14, to defray the expenses of the Joint Commission visiting the Penitentiary and Insane Asylum and C.B. No. 47—"To suppress contagious diseases among sheep" were presented to the Governor for his consideration at 10:45 A.M., March 10th.

Kennedy, Chairman

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Mar. 10th 1887

Mr. President,

I am directed by the House to inform your honorable body that H.B. No. 101 is herewith returned with its history complete.

David Marks, Chief Clerk

H.B. No. 101 was read first and second times.

Waters moved that the rules be suspended and the bill placed on its final passage.

The ayes and noes being called for by Kennedy. The motion was carried by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—Kennedy - 1. Absent Pardee. Title agreed to.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Mar. 10th 1887

Mr. President,

I am directed by the House to inform your honorable body Messrs. Harwood, Marshall and Mantle have been appointed as a Conference Committee on the part of the House on H.B. No. 50.

C.B. No. 44 was laid on the table. The House Judiciary Committee was appointed as a Conference Committee on H.B. No. 107.

H.B. No. 99 has been lost.

H.B. No. 92 and C.J.R. No. 15 have passed the House and are herewith transmitted.

David Marks, Chief Clerk

On motion C.J.R. No. 15 was referred to Committee on Enrollment.

H.B. No. 92 was read first and second times and placed on general orders.

The following Report was received:

Mr. President,

The Committee on Enrollment, to whom was referred C.B. No. 60—"An act concerning the inmates of public institutions" ask leave to report the same correctly enrolled.

Kennedy, Chairman

On motion of Kennedy, the Journal of today, up to this date, was approved.

On motion of Collins, Council took a recess until 2 P.M.

2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following Report was received:

Mr. President,

Your Committee on Enrollment to whom was referred C.J.R. No. 15 instructing the Secretary of the Territory to omit the publication of a certain alleged law relating to protection of game, ask to report the same correctly enrolled.

Kennedy, Chairman

Mr. President announced the signing of H.J.R. No. 15 and C.B. No. 60.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Collins in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Collins in the Chair.

Council resumed. Mr. President in the Chair.

The following Report was received:

Mr. President,

The Conference Committee having under consideration H.B. No. 50 have agreed to adopt Council amendments as follows: 1st amendment to Sec. 2—2nd amendment to Sec. 3. 3rd amendment to Sec. 4—4th amendment to Sec. 7 changed so as to place Missoula County at \$600—5th amendment to Sec. 8 changed so as to place the County of Fergus in the list of Counties whose Treasurers shall receive \$1200 per annum. 6th amendment to Sec. 11 changed so as to allow the sheriff of each County in the Territory a salary of five hundred dollars in addition to the fees provided in said bill. 7th amendment to Sec. 13 changed so as to allow Probate Judges the same fees and per diem as Justices of the Peace in all civil and criminal cases. 8th amendment to Sec. 15. And said Committee recommend a Section requiring all sheriffs to make out a detailed statement in all cases where the Territory or any County is liable for costs showing distances and route traveled and places of starting and in what cases warrants were issued involving such travel and how many warrants were served at such time.

E. Harwood, Chairman of Committee  
on the part of House  
Holliday, Chairman of Committee  
on part of Council

On motion of Collins, the recommendation of the Report of the Conference Committee on H.B. No. 50 and the amendments to the bill as therein recommended were adopted.

On motion of Cardwell, the recommendations of the Committee of Conference on H.B. No. 50 and the amendments therein contained, were adopted.

C.B. No. 43 was referred to Committee on Enrollment.

The following communications from the House were read.

House of Representatives, Helena, M.T.  
Mar. 10th 1887

Mr. President,

I am directed by the House to inform your honorable body that the House adopted the report of the Conference Committee on H.B. No. 50.

Mr. Speaker announced the signing of C.B. No. 60 and C.J.R. No. 15.

David Marks, Chief Clerk

House of Representatives, Helena, M.T.  
Mar. 10th 1887

Mr. President,

I am directed by the House to inform your honorable body that H.B. No. 104 has been lost.

David Marks, Chief Clerk

The following Reports were received:

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. No. 60—"Relating to discharge of insane persons" and C.J.R. No. 15, instructing the Secretary to omit the publication of an alleged law, were presented to the Governor for his consideration at 2:20 P.M. March 10th.

Kennedy, Chairman

Mr. President,

I am directed by the Committee of the Whole to report that H.B. No. 98—"To amend sections 587, 589, 590 and 596 of the Code of Civil Procedure concerning eminent domain" and H.B. No. 92—"An act concerning the registration of voters in incorporated cities and towns" have been duly considered and recommend that they do pass.

T.E. Collins, Chairman

H.B. No. 92 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 10.

Noes—Hundley - 1. Absent Pardee. Title agreed to.

On motion of Rickards, the rules were suspended, H.B. No. 98 was read the third time by its title and passed by the following vote:

Ayes—Collins, Holliday, Hundley, Rickards, Thompson, Mr. President - 6.

Noes—Batchelder, Cardwell, Kennedy, Thompson, Mr. Waters - 5. [sic] Absent Pardee. Title agreed to.

The following Report was received:

Mr. President,

Your Judiciary Committee has considered H.B. No. 88—"Concerning fees of sheriffs and clerks" and begs to report the same back with the recommendation that it do pass.

T.E. Collins, Chairman

On motion of Collins, the rules were suspended, H.B. 88 was considered

engrossed and placed on calendar for third reading.

H.B. No. 88 was read the third time and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

A communication was received from the Governor announcing his approval on this day of C.Bs. Nos. 33, 57, 95, 47, 62, 4, 61, 60, C.J.Rs. Nos. 15 and 14.

The following communication was received and referred to the Committee on Grazing and Stock-growing.

Territory of Montana  
Governor's Office  
Helena, March 10th 1887

Gentlemen of the Legislative Council,

I desire to withdraw the nominations that I made on yesterday of E.H. Johnston and C.R.A. Scobey as members of the stock commission for the reason that I have learned since I sent in their names that they are all members of this present Legislature and of course on that account not eligible. I now nominate in their room and stead E.P. Lovejoy of Dawson County and Joseph Scott of Custer County.

Respectfully  
P.H. Leslie

Mr. President,

Your Judiciary Committee has considered H.B. No. 107 jointly with a Committee from the House and now recommend that it do pass without amendment.

T.E. Collins, Chairman

On motion of Rickards, the rules were suspended, H.B. No. 107 was read the third time by its title and placed on its final passage.

The bill was lost by the following vote:

Ayes—Hundley, Rickards - 2.

Noes—Batchelder, Cardwell, Collins, Holliday, Kennedy, Sutherlin, Thompson, Waters, Mr. President - 9. Absent Pardee.

Mr. President announced the signing of H. Bills Nos. 84, 89, 86, 101, 106, 57 and H.J.R. No. 15.

The following communication from the House was received:

House of Representatives, Helena, M.T.  
Mar. 10th 1887

Mr. President,

I am directed by the House to inform your honorable body that C.B. No. 64 was, under suspension of the rules, read third time by title and lost, and is herewith transmitted.

Mr. Speaker has signed H.Bs. Nos. 89, 86, 106, 101, 57, 84 and H.J.R. No. 9.

Kanouse, by unanimous consent, introduced H.B. No. 108, the rules were suspended, the bill was read a third time by its title and passed, title agreed to,

and the same is herewith transmitted.

David Marks, Chief Clerk

H.B. No. 108 was read first and second times. On motion of Rickards, the rules were suspended, the bill was read the third time by its title and placed on its final passage and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Mr. President - 10.

Noes—Waters - 1. Absent Pardee Title agreed to.

The following Report was received:

Mr. President,

The Ways and Means Committee to whom was referred C.B. No. 13—"A bill for an act authorizing the deposit of public funds in banks", C.B. No. 8—"An act in relation to the taxation of telegraph Cos.", C.B. No. 28—"A bill for an act entitled an act to amend Section 1051 of the 5th Division of the Revised Statutes of Montana" having had the same under consideration most respectfully report the same back with recommendation that they be laid upon the table.

Waters, Chairman

On motion of Collins, C.Bs. Nos. 8, 13 and 28 were laid on the table.

The following report was received:

Mr. President,

Your Committee on Enrollment to whom was referred C.B. No. 43—"An act to regulate the Militia" ask to report the same correctly enrolled.

Kennedy, Chairman

The following report was received:

Mr. President,

Your Committee on Grazing and Stock-growing to whom was referred the communication of the Governor, nominating as stock commissioners:

B.F. Potts for the County of Lewis and Clarke  
C. Wallace Taylor for the County of Chouteau  
David Fratt for the County of Meagher  
Alfred Myers for the County of Yellowstone  
Granville Stuart for the County of Fergus  
E.P. Lovejoy for the County of Dawson  
Joseph Scott for the County of Custer

having considered the same, recommend that they be confirmed.

Hundley, Chairman

On motion of Kennedy, the recommendation of the report was adopted and the nominations of the persons therein named as Stock Commissioners for the Counties for which they were respectively appointed, were confirmed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee.

On motion of Thompson, Council took a recess of thirty minutes.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

Mr. President announced the signing of C.B. No. 43.

On motion of Kennedy, the Journal of proceedings up to 4 o'clock, P.M. of this day were approved.

On motion of Kennedy, the Council took a recess of fifteen minutes.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communications from the House were received:

House of Representatives, Helena, M.T.  
Mch. 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that Mr. Speaker has signed C.B. No. 43.

David Marks, Chief Clerk

House of Representatives, Helena, M.T.  
March 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that Mr. Speaker has signed H.Bs. Nos. 92 and 93.

David Marks, Chief Clerk

The following report was received:

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. 43—"To regulate and improve the militia" was placed in the hands of the Governor for his consideration at 4:15 P.M., March 10th.

Kennedy, Chairman

Mr. President announced the signing of H.Bs. Nos. 92 and 93.

Collins, by unanimous consent, introduced C.B. No. 65—"An act to authorize the Commissioners of the County of Choteau to build jails at the towns of Choteau and Great Falls."

The bill was read 1st and 2nd times, the rules suspended, the bill considered engrossed, read 3rd time by title and passed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters and Mr. President. Total ten.

Noes—None. Absent Pardee. Title agreed to.

On motion of Kennedy the Council took a recess until 5 P.M.

**5 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following report was received.

Mr. President,

Your Committee to whom was referred H.B. No. 9—“A bill for an act to apportion the members of the Legislative Assembly” have considered the same and return it without recommendation.

Hundley, Chairman

The motion to indefinitely postpone H.B. No. 9 having been adopted on call of the ayes and noes, the motion was sustained by the following vote:

Ayes—Batchelder, Collins, Cardwell, Hundley, Kennedy, Thompson, Waters and Mr. President. Total eight.

Noes—Rickards and Sutherlin - two. Absent Holliday and Pardee.

The motion of Waters to reconsider vote by which H.B. No. 9 had been indefinitely postponed and lay said motion on the table was adopted.

The following report was received:

Mr. President,

Your Special Committee to whom was referred C.B. No. 35—“A bill for an act to restrict the use of poison for bait in killing wild animals” have had the same under consideration and beg leave to report the bill back without recommendation.

Thompson  
Collins  
Sutherlin

C.B. No. 35 reported by Special Committee was indefinitely postponed.

On motion of Thompson, the Council took a recess until 5:30 P.M.

5:30 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

A communication from the Governor was received nominating Miss Lou Guthrie as Librarian of the Montana Library.

The Communication was referred to the Committee on Education and Labor.

The following communication was received:

House of Representatives, Helena, M.T.  
Mch. 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that C.B. No. 63 has passed the House and is herewith transmitted.

David Marks, Chief Clerk

C.B. No. 63 was referred to the Enrolling Committee.

The following communication was received:

The Territory of Montana  
Governor's Office  
Helena, March 10, 1887

Gentlemen of the Council,

I have the honor to inform you that on this day I have approved and signed the bill No. 43, which originated in your body and is entitled "An act to amend an act entitled an act to organize and regulate the militia approved March 10, 1885".

Respectfully,  
P.H. Leslie

The following report was received.

Mr. President,

Your Committee on Education and Labor to whom was referred the nomination of Miss Lou Guthrie to be librarian of the Montana Library beg leave to report back the same with the recommendation that said nomination be confirmed.

J.E. Rickards, Chairman

The nomination of Miss Lou Guthrie was confirmed by the following vote:

Ayes—Batchelder, Collins, Cardwell, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson and Mr. President. Total ten.

Noes—None. Absent Pardee and Waters.

On motion of Kennedy a recess was taken until 8 P.M.

Council resumed at 8 P.M.

Mr. President in the Chair.

Roll called—Quorum present.

The following report was received:

Mr. President,

Your Committee to whom was referred C.B. No. 63—"Relating to the apportionment of members of the House of Representatives in the Counties of Meagher and Gallatin" ask leave to report it correctly enrolled.

Kennedy, Chairman

The following communication from the House was received:

House of Representatives, Helena, M.T.  
March 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that C.B. No. 65 was read first time and rejected and is herewith transmitted.

Mr. Speaker announced the signing of H.Bs. Nos. 88 and 98.

The Governor has approved the following bills, H.Bs. Nos. 65, 86, 101, 89, 57, 84, 106 and H.J.Rs. Nos. 7 and 9.

David Marks, Chief Clerk

Collins, by consent, introduced C.B. No. 66—"An act to authorize the County Commissioners of the several Counties to build jails or lock ups". Read first and second times, on motion of Collins, the rules were suspended,

the bill was considered engrossed, read the third time by its title and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters and Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

Mr. President announced the signing of C.B. No. 63 also H. Bills Nos. 108, 88, 98 and 50.

The following communication from the House was received:

House of Representatives, Helena, M.T.  
Mch. 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that Mr. Speaker announced the signing of bills as follows, H.Bs. Nos. 50 and 108 also C.B. No. 63.

David Marks, Chief Clerk

The following report was received:

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. 63—"Concerning the Representatives apportionment of Gallatin and Meagher Counties" was submitted to the Governor for his consideration at 8:20 P.M., March 10.

Kennedy, Chairman

Hundley, by consent, introduced C.B. No. 67—"An act to authorize the Territorial Auditor to investigate the claims made upon the fund for killing certain animals". Read first and second times. On motion of Collins, the rules were suspended, the bill was considered engrossed, read third time by its title and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Thompson, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

The following report was received:

Mr. President,

The Committee of Conference of the two Houses on H.B. No. 73 having considered the same beg leave to report the bill back and recommend that House concur in Council amendment to Section 3 and that in Section 4, line 4, the words "one thousand" be struck out and "twelve hundred" be inserted.

Blake, Chairman of Committee  
on part of House  
Collins, Chairman of Committee  
on part of Council

On motion of Kennedy, the recommendation of the Report and the amendment to the bill were adopted.

Council took a recess of fifteen minutes.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication from the House was received:

House of Representatives, Helena, M.T.  
Mch. 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that C.B. No. 67 was read first and second time, rules suspended, read third time by title and lost and the same is herewith transmitted.

David Marks, Chief Clerk

House of Representatives, Helena, M.T.  
Mch. 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that the House has adopted the report of the Conference Committee on H.B. No. 73.

David Marks, Chief Clerk

House of Representatives, Helena, M.T.  
March 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that C.B. No. 66 has passed the House and the same is herewith transmitted.

David Marks, Chief Clerk

C.B. No. 66 was referred to Committee on Enrollment.

The following communication from the House was received:

House of Representatives, Helena, M.T.  
March 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that the Governor has signed H.B. No. 93.

David Marks, Chief Clerk

Thompson offered the following resolution:

Resolved, that the thanks of this body collectively and of the members individually are hereby cordially tendered to our Honored President, Richard O. Hickman, who has so fairly, so ably and so honorably presided over our deliberations and who has won our personal friendship, as well as our respect and esteem.

Thompson

The resolution was seconded by Kennedy and was adopted by a unanimous vote, by rising.

Mr. President responded by thanking the members heartily for their uniform kindness and courtesy towards him and for their efforts toward creditable legislation and decorous sessions.

Council took a recess of twenty minutes.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following report was received:

Mr. President,

Your Enrolling Committee to whom was referred C.B. No. 66—"Authorizing the County Commissioners to build jails and lock ups" asks to report the same correctly enrolled.

Kennedy, Chairman

On motion of Rickards, the following resolution was adopted.

Resolved, that the Council hereby expresses its thanks to Reuben L. Davis, Chief Clerk, Rev. R. E. Smith, Chaplain and to all the other officers of this body for the able and efficient manner in which they have performed their respective duties.

J.E. Rickards

On motion of Waters, the following resolution was adopted. Be it resolved by this Council that a vote of thanks be and hereby is extended to page, George Faust for the prompt manner in which he has attended to our wants and fully discharged his duty as page and that his course through life may meet with the same cheerful endorsement from his fellow man as does his endorsements at the hands of the Council.

E.C. Waters

The following communication from the House was received:

House of Representatives, Helena, M.T.  
March 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that Mr. Speaker has signed H.B. No. 73.

David Marks, Chief Clerk

The following communication was received from the House.

House of Representatives, Helena, M.T.  
March 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that the Governor has signed Bills as follows: H.B. Nos. 88, 50, 98, 108, 92 and 93.

David Marks, Chief Clerk

Mr. Speaker announced the signing of H.B. No. 36.

David Marks, Chief Clerk

The following report was received:

Mr. Speaker [sic],

Your Committee on Enrollment begs leave to report that C.B. 66—"Authorizing County Commissioners to build jails" was submitted to the Governor for his consideration at 10 P.M., March 10.

Kennedy, Chairman

A communication was received from the Governor announcing his approval of C.B. 63.

Mr. President announced the signing of C.B. No. 66, also H.B. No. 73 and

H.B. No. 36.

The following communication from the House was received:

House of Representatives, Helena, M.T.  
March 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that the Governor has signed H.Bs. Nos. 73 and 36.

David Marks, Chief Clerk

The following communication was received:

House of Representatives, Helena, M.T.  
March 10, 1887

Mr. President,

I am directed by the House to inform your honorable body that the House has appointed as a Committee to wait upon the Governor and to ask his Excellency if he has any further communications to make with this Legislative Assembly, Messrs. Blake, Marshall and Mantle and ask that a Committee of two be appointed by the Council to act with said Committee.

David Marks, Chief Clerk

Collins moved that a Committee of three be appointed to act jointly with the Committee of the House to wait upon the Governor and learn whether or not he has any further communications to make to this Legislative Assembly. Which was carried and the Chair appointed Collins, Waters and Sutherlin, such Committee.

The Journal of proceedings up to this time was approved.

The following Report was received:

Mr. President,

Your Joint Committee has waited upon the Governor of Montana and find he has no other business to communicate to the Fifteenth Legislative Assembly.

He expressed his high appreciation of the labors and services of the Legislative Assembly and desired us to communicate his thanks to the Council and House for the courtesy and consideration with which he has been treated by the Legislature.

We voice the sentiment of the Legislature in heartily thanking him for his urbanity and undefatigable industry during the session now about to close.

He informed us he had no other business to communicate.

Collins  
Waters  
Sutherlin  
Committee on the part  
of the Council

Journal read and approved.

Prayer and benediction by the Chaplain.

The Council adjourned sine die.

Attest

Reuben L. Davis  
Chief Clerk

R.O. Hickman  
President of the Council

**COUNCIL JOURNAL**  
**Fifteenth Legislative Assembly**  
**of the**  
**Territory of Montana**  
**Extraordinary Session**  
**FIRST DAY**

Council Chamber, Helena, Montana  
August 29th 1887

Pursuant to the Proclamation of the Governor of Montana Territory. The members of the Fifteenth Legislative Council of the Territory of Montana, met at the Council Chamber, at the Court House in the City of Helena, in said Territory, on Monday, the Twenty Ninth Day of August, A.D. 1887, at twelve o'clock M. of said day.

Hon. Richard O. Hickman, President in the Chair, called the Council to order.

The roll being called the following members of the Council were found present:

From Jefferson County,	Edward Cardwell
From Choteau County,	Timothy E. Collins
From Gallatin & Park Co.,	Samuel L. Holliday
From Lewis & Clarke Co.,	William B. Hundley
From Missoula County,	Will Kennedy
From Silver Bow County,	John E. Rickards
From Meagher & Fergus Co.,	Will H. Sutherlin
From Madison County,	Richard O. Hickman, Pres. of the Council

The following Officers of the Council were called and answered to their names. Reuben L. Davis, Chief Clerk; Hartford D. Arkwright, Engraving and Enrolling Clerk; Matthew McQuirk, Sergeant-at-Arms; Rev. Randolph E. Smith, Chaplain, Benjamin F. Hooper, Door Keeper; Geo. W. Faust, Page.

The following was read.

**PROCLAMATION BY THE GOVERNOR**

Whereas, There was passed by the Legislative Assembly of the Territory of Montana at the last session thereof, an Act entitled, "An Act relating to Assessment and Levy of Taxes," approved March the 10th, 1887, under which and by virtue of its provisions, chapter fifty-three of the fifth division of the Revised Statutes of Montana, relating to revenue, and all acts amendatory

thereof are from and after the first day of December, 1887, to stand repealed. And the said act of March the 10th is thereafter to be the law under which property in the Territory of Montana is to be assessed for taxation and the taxes levied and collected for territorial and county purposes; and

Whereas, There are grave doubts and much uncertainty whether the tribunal created by said act and directed to assess certain property for taxation, to levy the taxes for territorial purposes, and to equalize all the assessments for each county, can under the statute legally proceed to organize and perform the duties assigned it by said act; and

Whereas, All powers and functions assumed under doubtful authority in such grave matters as assessment and taxation might lead to confusion, litigation and delay in collecting the revenues necessary to carry on the government; and

Whereas, There are other confusions and uncertainties in said act; and

Whereas, All laws by which the agents of the government make demand of the citizen for taxes, should be so clear and certain as to preclude all doubtful constructions; and

Whereas, Said assembly passed an Act entitled "An Act to amend an Act relating to killing certain animals," approved March 5th 1887, which, tested by practical operation for three months and six days, promises to be a ruinous drain upon the public treasury, having within this fraction of year sent to the auditor's office and procured warrants on the treasury for over twenty-six thousand dollars; and

Whereas, Its demands were increased during the month of June and first seven days of July alone to eighteen thousand dollars. And this experience of thirteen weeks and particularly that of the last five weeks, foreshadows and gives full warning that it would draw from the treasury almost two hundred thousand dollars within the two years before the election and organization of another regular legislature; and

Whereas, The members of the last assembly surely never contemplated imposing such large and questionable burdens upon their constituents; and

Whereas, Serious errors appear in some other laws passed by said legislature, which should be speedily corrected; and

Whereas, There are other rapidly increasing demands upon the treasury under some existing laws, which the public interests require should be curtailed, and other ways regulated by further legislation; and

Whereas, The reasons for calling the legislature in extraordinary session were by me submitted to the President of the United States, and were by him duly approved on the thirteenth day of March, 1887,

Now, therefore, I, Preston H. Leslie, Governor of the Territory of Montana, do by virtue of the power vested in me by the organic act of said Territory, and by the approval of the President of the United States, hereby order and call upon each and every member of the said Legislative Assembly of the Territory of Montana, to attend and convene themselves in extraordinary session at Helena, the capital of said Territory, on Monday, the twenty-ninth day of August, A.D. 1887, at twelve o'clock m. of said day, to consider such important subjects of legislation, and perform such duties as the general welfare of the territory may demand.

In testimony whereof I have hereunto set my hand and caused the great seal of the Territory to be affixed. Done at Helena, the capital, on this, the

eleventh day of July, in the year of our Lord one thousand eight hundred and eighty-seven, and of the Independence of the United States of America the one hundredth and twelfth.

PRESTON H. LESLIE

By the Governor  
WM. B. Webb, Secretary of Montana

On motion of Kennedy, a Committee of three to inform the House that the Council is organized and ready for business, was appointed by the Chair, to wit: Kennedy, Cardwell and Sutherlin.

On motion of Kennedy, the Chair appointed Collins, Rickards and Hundley to act jointly with a committee of the House, to wait upon the Governor and inform him that the Council and House are duly organized and await any communication he may desire to make.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
August 29th 1887

Mr. President,

I am directed by the House to inform your honorable body the House has convened in accordance with the Proclamation of the Governor and that a full quorum is present.

That, Messrs. Kanouse, Taylor and Mantle have been appointed a committee on the part of the House to act in conjunction with a like committee of the Council to inform His Excellency, the Governor, that the Extraordinary session of the 15th Legislative Assembly has convened and will await any communication that he may see fit to make.

David Marks, Chief Clerk

Council took a recess for ten minutes.

Council resumed.

Mr. President in the Chair.

Kennedy, from committee appointed to inform the House that the Council is organized and ready for business, reported that the committee had performed the duty assigned to them.

The following Report was received.

Mr. President,

The Joint Committee of the Legislative Assembly appointed to wait upon the Governor to inform him that the Legislative Assembly was now organized and ready to receive any communication he may wish to convey to them, beg leave to report that the duty has been performed and that the Governor has signified his wish to deliver his message to the Legislature in Joint Convention in the Hall of the House of Representatives at 2 O'clock P.M.

Your Joint Committee has prepared a resolution in accordance with the above for the action of the two Houses.

T.E. Collins  
Chairman, Joint Committee

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Aug. 29th 1887

Mr. President,

I am directed by the House to inform your Honorable Body that the House has adopted the following resolution.

Resolved by the House, the Council concurring, that the Council and House meet in Joint session at 2 P.M. of this day, in the House of Representatives to receive the Message of the Governor.

David Marks, Chief Clerk

On motion of Kennedy, the foregoing concurrent resolution was adopted.

On motion of Collins, Council took a recess until 1:55 P.M.

**1:55 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Present the same members as this morning and Batchelder of Beaverhead.

On motion of Collins, the Council proceeded in a body to the hall of the House of Representatives to hear the reading of the Governor's Message.

House of Representatives, Helena, Montana  
Aug. 29th 1887

**2 P.M.**

The Council and House of Representatives met in Joint convention to receive the Governor's Message.

Mr. President in the Chair. Rolls called and a quorum of each House being present.

On motion of Mantle, the joint committee heretofore appointed to notify the Governor of the organization of the Legislative Assembly, was appointed to wait upon the Governor and inform him that the Council and House were in joint convention awaiting his presence.

His Excellency, Preston H. Leslie, Governor of Montana Territory, was then introduced by the President and after preliminary remarks and returning thanks for the courtesy, read the following message.

TERRITORY OF MONTANA  
EXECUTIVE OFFICE,  
HELENA, August 29th, 1887.

To the Legislative Assembly of the Territory of Montana:

You have been called together at the capital of the territory to hold an Extraordinary Session, with the consent and approval of the President of the United States; and I now proceed in a brief way to submit for your consideration some of the questions and subjects which appear to call for legislative action. All free peoples are jealous and unrestful under the exercise of any doubtful authority, or questionable power over their property, and while all good citizens willingly submit and cheerfully bear all lawful burdens imposed by their government; still they scrutinize carefully and inquire for the authority of every agent who assumes to have a license to demand of them their money in the shape of taxes, or to otherwise interfere with their property in the name of the state. Hence all the statute laws of the government should

be clear, direct and without ambiguity or doubtful construction; otherwise confusion, strife and delay hedge up the pathway of official duty, and tend to the detriment of the public interest.

The law which was passed by your honorable body last March, "Relating to Assessment and Levy of Taxes," does not, as I construe its terms, take effect and go into operation until December the first, 1887; at which time all of Chapter 53, of the Fifth Division of the Revised Statutes of Montana, relating to revenues, and all acts amendatory thereof, are to stand repealed, and this act of last March becomes a substitute for said repealed statutes. This law which takes effect next December creates an agency for sundry important purposes, to wit:

First—It is to be the assessor for taxable purposes, to the territory and counties, "of all the property in this territory belonging to railway corporations," except certain specified parcels named in the law. Secondly, it is made the duty of said agency to levy the tax for territorial purposes upon all the property in the territory; and third, this agency is to "examine and compare the returns of the assessment of the property in the several counties of the territory and to equalize the same, so that all the taxable property in the territory shall be assessed at its true and full value." It will thus be seen that this agency is virtually the assessor of all taxable property in the territory both for territorial and county taxation, and it fixes and levies the taxes to be collected for territorial purposes. This agency, called in the law "the territorial board of equalization," will consist of "the governor, the auditor and the attorney-general of the territory, and one qualified elector, who shall be a freeholder, from each judicial district of the territory, to be appointed by the governor, with the advice and consent of the council." The duties assigned to this board are specific as to subject matter, and time and place. No taxes can be collected to carry on the territorial government until this board assessed the property, and levies the tax thereon. Neither can any taxes be collected for county purposes till this board examines and approves the returns of the county assessors. Wherefor it is a matter of the greatest moment that whoever shall assume to act as the "territorial board of equalization" shall have the unquestioned power and authority to do so. There is no such officer in the territory as "attorney-general," and the board cannot organize and proceed to business without that law officer as a member. The law does provide that the governor may fill vacancies that may occur in the board; but certainly he could not appoint an attorney-general in the absence of a law creating the office, and, besides, there is no provision in the law that a majority of the members can act as the board, or any suggestion in the law as to what step can be taken in case of any unavoidable absence of members, resulting in less than a majority in attendance, at the time fixed by law for the meeting and execution of the trust so confided to the board. If a majority of the members of the board cannot act for the entire seven members, or if there can be no organization of the board without the attorney-general, then there can be no assessment, levy or collection of taxes in this territory after the first of December next without an amendment curing these omissions in the law. At any rate, the questions are of such grave import, and connected as they are with such vital interests of the people, and fraught with such danger to the public peace, that I commend the subject to your favorable consideration, and ask that you will make such amendments as will free the law of all doubt and confusion.

I also call your attention to some other parts of this revenue law. Section 101 it will be seen imposes upon a public officer—the county clerk—the duty

of becoming the insurer and guarantor to every vendee in the conveyance of land offered for record in his office that all previous taxes have been paid thereon; not only so, but he is also made to become the counsellor and advisor, and to decide for such vendee that the land is clear of all incumbrances on account of taxes prior to that time, before he is allowed to put such conveyance to record and if he fails in these official duties, he is to be fined from one hundred to one thousand dollars, and must pay all damages resulting from his mistake. I suggest that this is a fearfully harsh exaction to impose upon a public officer; and I recommend that it be so amended as to leave the law as it always has been, when every man may examine for himself the sufficiency of the title to property he is about to buy, and make his own selection of counsel, should he need any.

It seems from Section 76 that it is the duty of the County Treasurer, when land has to be sold on account of unpaid taxes, to sell the entire tract of land, and all it produces in excess of the taxes and costs he is to pay over to the owner. I recommend such modification of the section that he shall only sell so much of the land as will be sufficient to pay the taxes and charges thereon.

Upon re-inspection of Section 20 of this act, I am satisfied it will be seen there is a great amount of labor imposed on the clerk, which can be of very little practical good to the public. It provides that he "shall make out in the Real Property Assessment Book complete lists of all lands or lots subject to taxation, showing the names of the owners, if to him known, and if unknown, so state opposite to each tract or lot: the number of acres, and the lots or parts of lots or blocks included in each description of property; and for the purpose of accuracy and completeness, he shall compare said lists with the maps and plats in his office. In the case of desert land claims and mineral entries located upon unsurveyed lands, and upon which final proof has been made, it shall be considered as good and valid description when listed on the roll by the numbers given and used describing the same in the land office where said entry was made; and books and blanks shall be delivered to the assessor by the county clerk on or before the first day of January, with such instructions from the county board as to insure full and uniform assessments and returns." I submit that, if in your wisdom it is deemed necessary for the public good that this work and these duties shall be performed by the clerk as enjoined by this section, then a full, sufficient number of deputies ought to be supplied by law to the clerk, with the measure of just and fair compensation, to enable him to comply with the law in this regard; for it is most certain that no one man, with a single deputy to help him, can comply with this demand of the statute.

In Section 62, the time given to the Clerk within which to do and perform certain important duties, therein prescribed, is manifestly insufficient, and yet heavy penalties are attached to any failure on his part to comply within the time designated in the act. The public interest will surely be as well subserved in extending the time, and accuracy will more certainly be assured; and I recommend accordingly.

There are yet other provisions and parts of this new revenue law which might well be examined and improved, but these to which I have invited your attention are the principal ones now most demanding your action.

The new license law, which took effect the first of July last, forbids and disallows any person the privilege of setting up and carrying on certain descriptions of gaming within the cities, towns and villages of the territory where the population is above three hundred, until a license is obtained for such privilege; and the same inhibition applies to cities, towns and villages

where the population is less than three hundred, but in this class the license fee is less; and all other places and parts of the territory, whether the number of persons assembled together, or temporarily residing near each other, be great or small, are exempt from the provisions of this law. It occurs to me that, if the privilege of gambling in cities, towns and villages should pay a tax, the same privilege exercised among men engaged in mining, or in constructing railroads, or in the midst of the multitude assembled at the fair ground, or upon the race field, or at any other place, should pay the same, or a proportional license; or if an enterprising person, engaged in that line of thrift, shall conclude to set up and prosecute a business of that kind just a little outside of a city, town or village, but near enough to attract the people of such city, town or village, he too ought to pay as much as his competing gambler on the inside. There was an act passed and approved on the 9th day of March last which makes it a felony, and fixes the punishment of service in the penitentiary for carrying on or engaging in certain descriptions of games within this territory, to wit: "Three card monte," "strap game," "thimble rig," "patent safe game," "black and red game" (commonly known as the ten dice game), "percentage," "stud-horse poker," "percentage draw poker," "twenty-one," "high ball," "blue jay," "chuck luck," "short faro," or any "dice game;" while the act passed and approved the next day, commonly called the license law, forbids that any person shall engage in these same games in cities, towns or villages until a license is obtained for such privilege. Whatever of seeming conflict there may be in these two enactments should be remedied by amendment. The amount of revenue being derived from licenses for the privilege of gambling is very many thousands of dollars less than heretofore, and yet it is asserted and believed that there is no diminution in any class of gaming heretofore common in this territory. If it is the purpose of the legislature to curtail or put a stop to that class of gaming itemized in the said act of 9th of March, and to disallow other sorts or names of gambling, except upon a license, then, to accomplish these ends, some law ought to be passed providing more certainly for the enforcement of the laws against those who violate and disregard their commands.

It will be seen by an inspection of this license law that while liquor dealers are required to pay for and get a license to sell in quantities above, and in quantities less than one gallon, there is no law requiring a license to sell an even gallon. This, of course, was an oversight in the draftsman of the act, and can be easily remedied.

This license law very wisely and very justly imposed a tax upon peddlers and upon commercial travelers and drummers, as they are called, for the privilege of prosecuting their business or calling in this territory; and this law very properly applies to all persons, whether they be citizens of Montana or of other territories or states. But since the adjournment of the legislature in March last, one judge, if not more in this territory has decided that under the rulings of the Supreme Court of the United States all commercial travelers and drummers residing outside of the Territory of Montana have the right to come into our bounds, and carry on and prosecute their business of drumming, and selling by sample, without paying for or procuring a license to do so from the authorities of this government; and that therefore the laws of this territory in that regard cannot and must not be enforced against such non-residents; and I suppose the same ruling will apply to non-resident peddlers doing business on the soil of Montana, and to non-resident lawyers, physicians, assayists, etc. It results therefore that now, and every since the decision was made, the citizens of Montana who live here and pay their taxes, and are ready to perform every act of good citizenship, and to make any

sacrifice for the good of their government, are compelled to pay for and get a license to sell by sample, to peddle, or to act the commercial traveler; while all the merchants in the states and other territories have the right to send in their drummers, and sell their goods by sample, or to peddle out their goods amongst our people, without paying one cent of tax in any way for the support of this government, and thus the position is taken in support of discrimination in favor of the non-resident, and against our own people. I do not concur in the understanding that the Supreme Court of the United States has ever had this precise question under advisement, and rendered the decision claimed; and while I do most respectfully acquiesce in the decisions of our courts touching the enforcement of the law, yet I believe that our law is constitutional, and eminently just, and would have the Territory of Montana take the question direct to the Supreme Court of the United States for investigation and decision; and in the meantime, and by all means, I ask that you amend this law so as to give our own people an equal chance with those outside, who have no interest in Montana except to hasten in and get all of the good trade they can, and then retire.

I deem it my duty to call your attention to the practical workings of the act passed by your honorable body, and approved on the 5th day of March last, commonly called the "bounty law." It is no new experiment in Montana to have a bounty law. There have been such laws on the statute books ever since the 17th of February, 1879, and very many of the states, if not all of them, have had, and some of them now have, similar laws, as a means of relief from the ravages of hostile animals that forage upon the buddings of civilization, and such laws, carefully prepared and guarded, have always found favor with the people. The first law upon the subject in Montana vested in the county commissioners of each county the power to offer, and cause to be paid out of the county treasury, such bounty as in their discretion ought to be paid for killing or destroying certain vicious wild animals. Whether any commissioners every did deem it necessary, and levied such tax upon the people of their county under the law vesting them with such authority, I am not advised; but on the 8th of March, 1883, the law was amended, and a very inviting bounty was offered and made payable out of the treasury of the territory—eight dollars for each bear, eight dollars for each mountain lion, one dollar for each wolf and fifty cents for each coyote. Under this law there was paid for during the

year 1883.....	\$ 1,712.50
For the year 1884 .....	\$11,740.50
For the year 1885 .....	\$11,837.50
For the year 1886 .....	\$13,764.00
	\$39,054.50

The present law reduced the bounty upon bears and lions to the sum of three dollars for each bear, three dollars for each lion, and increased to two dollars for each wolf, and one dollar for each coyote, and also increased the list of animals on which the territory should pay a bounty, to wit: Ten cents for each prairie dog, and five cents for each ground squirrel. The warrants which the auditor has issued under the authority of the bounty law since the first of January, 1887, amount as follows:

For the month of January .....	\$ 621.00
For the month of February .....	466.50
For the month of March .....	604.00
For the month of April .....	3,035.40

For the month of May.....	5,270.40
For the month of June.....	14,007.30
For the month of July.....	12,296.10
First 23 days of August.....	11,711.85
	\$48,012.55

Of this \$48,012.55, \$41,060.05 was for ground squirrels and prairie dogs. Thus it is seen that the bounties paid out for the first four years after the public treasury was legislated into this liability amounted to \$39,054.50; while for the first seven months and 20 days of this year the amount is \$48,012.55 and of that amount \$41,060.05 is for squirrels and prairie dogs, for which warrants were issued upon the treasury between the 1st of April and the 23rd day of August inclusive. I have procured from the auditor a tabulated statement, showing the proportion to each county in the territory of these large gifts from the public treasury, and the same is attached to and made a part of this message.

It is due to you and your constituency that this subject be presented, and its avarice for the peoples' money fully shown. Amongst the estimated charge upon the public treasury for the year 1887, made out and reported by the auditor in his annual report to the legislature last January, this item—bounty for killing animals—was set down at \$14,000.00; whereas it amounts now, before the first eight months have passed by, to almost four times his estimate, and the volume of draft, as the calls through this month of August show, is not in any sense decreasing. Already (and for several weeks gone) every dollar in the treasury has been paid out and the territory is now going in debt every day for killing squirrels, prairie dogs, wolves, etc., and interest is accumulating upon that indebtedness. The enormous demands under this law upon the public treasury have awakened suspicion, and prompted careful scrutiny of its entire framework, provisions, etc.; and it is seen that the pathway to the treasury from the killing of the animal at his home in the mountain is easily found, is full of temptations, and very dangerous to the pockets of the people. In the whole body of the law, and in all its parts, there is a careless looseness, and utter absence of any safeguards against fraud, false swearing, perjury, bribery, cheat or imposition, or of provisions to punish either of those crimes committed in the vicious use of the law. The very officer whose certificate is made to unbolt the doors of the treasury is made to be interested on the side of the applicant, and against the territory. He is not required to make or keep a record of the transaction, or even to file away and preserve the affidavit of the applicant. The law shows the facts that the affidavit must contain, and, of course, it is attempted in every instance to have the affidavit conform to the law; but all that is required is the naked statement of the applicant, and just what he says as to when they were killed, in what county, in what territory, and whether outside of a reservation or park, is to be taken as true. The law does provide that he must have two witnesses, who shall make affidavit that they believe what he says to be true. The applicant may be a person of good character, or the vilest and most unworthy, and yet if he comes with his two believing witnesses, the officer may proceed to count and certify accordingly. The law makes the certificate of this district officer a voucher to be honored by the treasury of the territory upon presentation, and whatever of doubt or suspicion there may be of its genuineness there is no provision for investigation and delay, or for other action to be taken in order to detect the overreaching avarice of the unscrupulous fabricator.

I recommend that if this law, or anything of its kind, is to be continued, that you carefully digest and recast its structure, and place about it such guards

and restrictions as will more effectually save the territory from fraud and peculation through its liveral offerings; provide suitable punishment for every crime committed in seeking to obtain the munificence of this law.

Moreover, it is your sense of justice and fairness to the taxpayers of the territory that this law shall continue with all its exhausting force upon the public treasury, then the necessity is upon you, and you should at this extra session pass a law whereby money enough beyond the present resources will come into the treasury to pay its demands. The ordinary expenses necessary to carry on the government, and the cost of caring for the insane, supporting criminals, and the cost of their prosecution are burdens upon the treasury which must be met; and just in this connection it may be stated that the cost of taking care of those adjudged insane, and for prosecuting and supporting the criminals, is swelling at a most rapid rate every month. There is no question in my mind but the insane of this territory are, under our present system of care for them, being humanely and well nursed and cared for; but the cost is enormous, and excessively high. I recommend that you formulate a bill, and pass it, making provision for purchase of suitable grounds, and the erection of buildings thereon, properly adapted to the purposes of an asylum, and for the reception and care therein of that unfortunate class of our fellow beings. There is nothing in all the charms of American civilization more noble, and that shines as a brighter star, than the lavish hand with which states, cities, towns and communities all over this country, teeming with its millions of people, have given money, erected buildings, supplied comforts, and purchased the very highest order of medical skill and nursing for those, our suffering brothers and sisters. Montana's people are not free from this malady. We have in our midst the same sad garments of distress enshrouding many families, and the number is increasing at an alarming rate. Duty to them, and duty to ourselves, and to the government we have and intend to preserve, and the soundest economy, as well, demand that you shall inaugurate this great benefaction, and provide for its pushing forward to completion. I shall most cheerfully cooperate with you in this, and every other legislation which shall be within the authority, and not in violation of the organic act of Congress creating this government.

Since the adjournment of the legislature last March, two most foul and murderous attempts have been made to derail and wreck running trainings of railroad cars within this territory, and each train at the time was carrying large numbers of human beings. These attempts to thus destroy property, and rob and destroy human life, is wickedness and crime of the very darkest type, and marks the perpetrator as a public enemy. Fortunately and most miraculously, both of these attempts failed of their design; but the intent to murder and destroy property moved and prompted the act. It is remarkable fact that there is no statute law of this territory denouncing such conduct, and fixing a punishment for attempts of this character, nor even for willfully engaging in such attempt in which a train of cars may be utterly destroyed, and involving millions of dollars worth of property. Other territories and all the states and the government of the United States have laws that apply to all such dastardly acts; and I ask that you pass a most stringent law upon this subject, and fix such penalty upon the crime as will truly represent the sentiment of Montana's people, and show their full detestation of such crime.

I also beg leave to direct your attention to an inquiry as to whether some further amendments to the criminal code are not necessary and desirable, in order to afford railroads the full protection of the law to which they are justly entitled. The criminal code was adopted before the advent of railroads into the

territory, and framed to meet the conditions then existing. Wisely enough many provisions commonly found in the penal code of the states, with reference to this class of property were omitted from our penal code, leaving the labor of supplying them to subsequent legislatures, when the changed condition of the country should make their enactment necessary. The rapid construction of these improved highways of commerce and travel in every part of the territory admonishes us that this work of amendment ought not to be longer delayed. This class of property contributes largely to the public revenue, and it is of right entitled to the fullest and most ample protection of the law. Without assuming to cover all of the details wherein amendments are desirable, permit me to suggest a few of the more important matters requiring immediate attention. It should be made an offense to set fire to or burn any railroad bridge, trestle, culvert, or any portion of the superstructure of a railroad; and here I may particularly direct your attention to the section of the statute against burning bridges now in force. The language is, "An bridge across any stream." I need scarcely suggest to you that the wilful burning of any bridge on a highway, whether it be across a stream or not, ought to be included within the statute. Maliciously opening or displacing a railroad switch, or placing on the road any obstruction, whereby a train may be derailed, or in anywise injured, should be denounced, and suitably punished. The law of larceny should be so amended as to include tickets entitling the holder to a passage on any public conveyance, and the value of such ticket should be fixed at the sum at which tickets are sold by the proprietors of such conveyance to persons desiring to travel between the points designated in the ticket. It has been found expedient in some of the states to make train conductors peace officers and give them authority to make arrest for breaches of the peace and other offenses occurring on trains in their charge. They should be required to turn the offender over to the nearest sheriff on the line of their road in the direction in which their train is running, and such offense should be made punishable in any county through which the road passes on which the offense may be committed.

I call your attention to House Joint Resolution number 9, adopted and approved March 10th, 1887, and to Section 25, Article I, Chapter 2, of Fifth Division of Revised Statutes of Montana, and submit the question whether it was intended in adopting the said resolution number 9 to include the provision made for the same institution in said Section 25 of said Chapter. If such was the purpose of said resolution, then there should be an amendment explanatory, so as to merge the one into the other.

There are yet other important subjects to which your attention might very well be directed as deserving your notice and the favor of your legislative action; but with the view to shorten as much as possible, consistent with the public interest, the time and length of this Extraordinary Session, I have thought it most proper to present in this message, for your consideration, only such subjects in questions as demand immediate legislative action, and these, as you perceive, are mainly those touching the finances of the territory, the assessment and gathering of the public revenues, and their just dispersement under the wisest economy; and I am sure when you have considered and acted upon these suggestions, and only such others (if there are any) as your sense of duty shall impress you must now, for the public good, be legislated upon, that all others will be remitted to the people and their chosen agents of the next regular session.

I regret the necessity which has compelled me to have you leave your homes at this very busy season of the year to engage again in earnest thought

and deliberation upon matters of legislation. Nothing but the strongest abiding sense of duty has prompted this action. I regret the more such necessity for this session of the legislative assembly because there are no means at command with which to pay the members their per diem or mileage, or any of the expenses incident to this coming together, until the meeting of Congress in December, and until provisions shall then be made. I shall make haste to have the subject brought to the notice of that body promptly and urge immediate action thereon.

Good government is full of the spirit of justice, liberality and charity toward all its subjects; and is never parsimonious in providing for its own agencies, and the peace and happiness of its own people; or in protecting their honor, and opening out to them the lights of progress and improvement. But true statesmanship abhors every appearance of wasteful extravagance, and all favoritism that smacks of class legislation, or is tinged in any degree with oppressive burdens upon any one species of property, industry or laudable business, while others are exempted, or so lightly burdened, as to savor of discrimination for one and against another. Nor is the labor of the people to be taxed or in any way burdened by legislative enactments. It is the great moulder of the governments material wealth, and no statute that in any degree clogs its life force is acceptable in this country. Nor will patriotism, tempered by true charity, encourage county jealousies, or other local envyings, amongst the parts of this growing territory. There is not one member of the Council, or of the House of Representatives, but who, although chosen by a particular constituency, and is the representative of that particular district, is also the representative and law maker of every county and every citizen of the territory. I assume that each and every one of your will deliberate and act upon the broad platform of the high and honorable position to which you have been called by your confiding constituencies, and I shall willingly share with you those great responsibilities, and sympathize in all your labors and efforst for the public good.

P.H. LESLIE

Bounties for killing certain animals paid to the several counties from January 1st to August 23rd, 1887, for all animals for which bounties are paid:

To Beaverhead County .....	\$ 560.10
To Choteau County.....	2,571.00
To Custer County .....	972.30
To Dawson County .....	1,866.90
To Deer Lodge County .....	266.30
To Fergus County .....	5,344.15
To Gallatin County .....	23,779.70
To Jefferson County.....	851.45
To Lewis and Clarke County .....	3,218.55
To Madison County .....	2,632.45
To Meagher County .....	2,290.05
To Missoula County .....	1,644.65
To Park County .....	1,595.90
To Silver Bow County .....	21.55
To Yellowstone County .....	397.50
Total	\$48,012.55

## PAID FOR SQUIRRELS AND PRAIRIE DOGS.

To Beaverhead County .....	\$ 509.10
To Choteau County.....	1,091.00
To Custer County .....	86.30
To Dawson County .....	257.40
To Deer Lodge County .....	224.30
To Fergus County .....	5,087.15
To Gallatin County .....	23,338.70
To Jefferson County.....	818.45
To Lewis and Clarke County .....	3,039.55
To Madison County.....	2,467.45
To Missoula County .....	419.15
To Meagher County .....	2,164.05
To Park County .....	1,535.90
To Silver Bow County.....	21.55
To Yellowstone County.....	
	\$46,060.05

## BOUNTIES FOR BEARS, MOUNTAIN LIONS, WOLVES AND COYOTES

To Beaverhead County .....	\$ 51.00
To Choteau County.....	1,480.00
To Custer County .....	886.00
To Deer Lodge County .....	42.00
To Dawson County .....	1,609.50
To Fergus County .....	257.00
To Gallatin County .....	441.00
To Jefferson County.....	33.00
To Lewis and Clarke County .....	179.00
To Madison County.....	165.00
To Meagher County .....	126.00
To Missoula County .....	1,225.50
To Park County .....	60.00
To Yellowstone County.....	397.50
To Silver Bow County.....	
	\$6,952.50

JAMES SULLIVAN, Auditor

The reading of the Message being concluded the Governor departed and on motion of Collins, the joint session was dissolved and the Council returned to the Council Chamber.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

Kennedy, by unanimous consent, introduced C.J.R. No. 1, providing for extra Clerks for Council and House and compensation therefor. Read first and second times. On motion of Kennedy, the rules were suspended, the resolution was read the third time by its title and passed by the following vote:

Ayes—Batchelder, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin and Mr. President - 9.

Noes—None. Absent, Pardee and Waters. Title agreed to.

On motion of Collins, the Governor's Message was referred to a special

committee of three for distribution thereof to appropriate committees and the Chair appointed Collins, Kennedy and Rickards, such committee.

Notices of introduction of Bills were given as follows: By Collins, A Bill for an Act to create the office of Commissioner of Emigration and to define his duties. Also, A Bill for an Act to create the County of Cascade, to define its boundaries and provide for its organization.

By Rickards, A bill for an Act to punish interference with Rail Road Tracks.

On motion of Collins, the Council adjourned until tomorrow morning at 10 O'clock.

Attest

Reuben L. Davis, Chief Clerk

## SECOND DAY

Council Chamber, Helena, M.T.  
August 30, 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

James K. Pardee, Member of the Council from Deer Lodge County, appeared and took his seat.

Roll called—Quorum present.

Prayer by the Chaplain.

The Journal of yesterday was read, corrected and approved.

Notices of introduction of Bills were given as follows:

By Holliday, A Bill for an Act providing for representation in the Council of the Counties of Park and Fergus.

By Hundley, A Bill for an Act entitled An Act to amend the 4th Division of the Revised Statutes of Montana, entitled Criminal Laws approved February 16th 1883.

By Sutherlin, A Bill for an Act to amend an Act to suppress and prevent dissemination of scab and infectious diseases among sheep, approved March 10th 1887.

The following report was received.

Mr. President,

The Committee to which was referred the Message of Hon. P.H. Leslie, Governor, for distribution to appropriate committees, begs to recommend as follows:

That all matters pertaining to revenue and revenue laws be referred to a Special Committee of three.

That all parts of the Message relating to licenses and license laws be referred to another Special Committee.

That all matters relating to bounty laws be referred to the Committee on Agriculture and Manufactures.

All parts relating to obstructions of Rail Roads, the criminal code and House Joint Resolution 9, approved March 10th 1887, be referred to the Judiciary Committee.

That all parts of the Message relating to care of the insane be referred to a Special Committee of three.

We also offer the following Concurrent Resolution,

Resolved by the Council, the House concurring, that all matters relating to Revenue and Revenue Laws be referred to a Joint Special Committee of three from the Council and five from the House.

That a like Special Committee be appointed to consider all matters and bills relating to Licenses and that a like Special Committee be appointed to consider

all matters and bills relating to the care of the insane.

Collins, Chairman

On motion of Kennedy, the Resolution and Recommendations of the report were adopted.

Rickards introduced C.B. No. 1—"A Bill for an Act to punish interference with Rail Road Tracks" which was read first and second times and on motion of Rickards, referred to Committee on Judiciary.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Aug. 29th 1887

Mr. President,

I am directed by the House to inform your honorable body that Council Joint Resolution, under a suspension of the rules, has passed the House and the same is herewith transmitted.

David Marks, Chief Clerk

On motion of Kennedy, C.J.R. No. 1 was referred to Committee on Enrollment.

On motion of Kennedy, Council took a recess until 2 P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
August 30th 1887

Mr. President,

I am directed by the House to inform your Honorable Body that notices of the introduction of bills have been given as follows:

By Mantle, A Bill for an Act to amend the fifth division of the Revised Statutes of the Territory of Montana. Also, A Bill for an Act to amend section 2 of an act concerning payment of jurors and witnesses in criminal cases in attendance upon the District Court approved March 8th 1887. Also, A Bill for an Act to amend an act relating to liens of mechanics and others approved March 9th 1887.

Mr. Speaker has signed C.J.R. No. 1.

David Marks, Chief Clerk

The following report was received.

Mr. President,

Your Committee on Enrollment to which was referred C.J.R. No. 1 providing for extra clerks and compensation therefor, begs to report the same correctly enrolled.

Kennedy, Chairman

Notices of the introduction of Bills were given as follows:

By Rickards, A Bill for an act entitled An Act to amend an act entitled An

**Act concerning the storage of Gun Powder.**

By Collins, A Bill to amend section 908 of the Rev. Stat. of Montana relating to selling, destroying, concealing, removing or otherwise disposing of mortgaged property.

Mr. President announced the signing of C.J.R. No. 1.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Aug. 30th 1887

Mr. President,

I am directed by the House to inform your Honorable Body that notices of the introduction of bills have been given as follows:

By Muth, A Bill for an Act concerning of Police Magistrate in incorporated cities. Also, A Bill for an Act to enable cities of ten thousand and upwards to construct sewers.

By Marshall, A bill for an Act to regulate trials in District Court in relation to instructions.

By Alderson, A Bill defining the qualifications of voters at elections held in incorporated cities and villages. Also, A Bill providing for the legal and equitable distribution of water for irrigating purposes.

By Buskett, A Bill for the creating of the Office of Attorney General for Montana Territory.

Blake, by unanimous consent, introduced H.B. No. 1—"A Bill for an Act to establish and maintain a hospital for the insane."

Respectfully,  
David Marks, Chief Clerk

On motion of Hundley, the Council adjourned until tomorrow at 10 A.M.

Attest

Reuben B. Davis, Chief Clerk



### THIRD DAY

Council Chamber, Helena, M.T.  
August 31st 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

Hon. Walter A. Burleigh appeared, presented certificate, in due form, of his election as member of the Council from the County of Custer. The oath prescribed by law was administered to him by the Hon. Thomas C. Bach, Associate Justice of the Supreme Court of Montana Territory, in presence of the Council, in open session and Mr. Burleigh was admitted to his seat in the Council.

Mr. President announced the appointment of Mr. Burleigh in place of Thompson (resigned) as a member of each of the following Committees, to wit: The Committee on Internal Improvements, Towns and Counties, Indian Affairs, Immigration, Roads and Highways, Grazing and Stock-growing and Military Affairs.

The following report was received.

Mr. President,

Your Enrolling Committee asks to report that C.J.R. No. 1, relating to the employment of additional clerks and their compensation, was presented to the Governor for his signature at 2:15 P.M., August 30th 1887.

Kennedy, Chairman

The following communication from the Governor was received.

The Territory of Montana  
Governor's Office  
Helena, August 30th 1887

Gentlemen of the Council,

I have the honor to inform you that I have this day approved Council Joint Resolution No. 1, providing for Clerks for Council and House and compensation therefor.

Respectfully,  
P.H. Leslie

The following report was received.

Mr. President,

The Judiciary Committee have considered that part of the Message of the Governor relating to obstructions to railroads and heartily agree with him in his recommendations.

We think C.B. No. 1 will, passed, put a stop to the inhuman work of wrecking trains or justly punish the perpetrators of such fiendish crimes. We

recommend the passage of the bill.

Collins  
Rickards  
Holliday

C.B. No. 1 was placed on general orders.

Mr. President announced the appointment of Lucy X. Piatt as assistant Clerk and Miss Mary Galbraith and A.C. Nan Doren as Clerks of Committees in conformity with C.J.R. No. 1.

Holliday introduced C.B. No. 2—"An act to apportion members of the Legislative Council to the Counties of Meagher, Fergus, Gallatin and Park." Read first and second times and referred to Committee on Towns and Counties.

Collins introduced C.B. No. 3—"A Bill for an act to creat the County of Cascade, to define its boundaries and to provide for its organization." Read first and second times and on motion of Collins, referred to a Special Committee consisting of the members from Lewis and Clarke, Meagher and Choteau Counties.

Hundley introduced C.B. No. 4—"An Act to amend the 4th Division of the revised statutes of Montana entitled Criminal Laws approved Feb. 16, 1883." Read first and second times and referred to Committee on Judiciary.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Aug. 30th 1887

Mr. President,

I am directed by the House to inform your honorable body that the House has concurred in the Council Concurrent Resolution relative to the appointment of Joint Committees and in conformity therewith Mr. Speaker has made the following appointments on the part of the House: On matters in reference to revenue, the Ways and Means Committee of the House. On matters concerning Licenses—Mantle, Kanouse, Scobey, Brown and Taylor. On matters relating to Insane—Blake, Marshall, Harwood, Hoffman and Page.

Bills, by unanimous consent, were introduced as follows:

By Ways and Means Committee, H.B. No. 2—"A Bill for an act to provide for the assessment and levy of taxes."

By Mantle, H.B. No. 3—"A Bill for an act to amend section 594 of chapter 22 of the Fifth Division of the Revised Statutes."

David Marks, Chief Clerk

Mr. President,

In conformity with C.C.R. concerning the Governor's Message, referred the same to Joint Special Committees as follows:

All matters pertaining to revenue were referred to Pardee, Collins and Holliday. All matters relating to Licenses were referred to Kennedy, Rickards and Hundley. All matters and Bills relating to the care of the Insane were referred to Sutherlin, Burleigh and Cardwell.

The Council resolved itself into Committee of the Whole for the consideration of General Orders. Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

Kennedy, Chairman of Committee of the Whole, reported progress in the consideration of C.B. No. 1 and asked leave to sit again.

On motion of Cardwell, Council took a recess until 2 P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Aug. 31st 1887

Mr. President,

I am directed by the House to inform your honorable body that notices of the introduction of bills have been given as follows:

By Alderson, A Bill for an Act authorizing incorporated towns and cities to issue bonds under certain restrictions.

By Taylor, A Bill to amend section 452 of Article 9 of the fifth division of the Revised Statutes of Montana.

By Hanscom, A Bill to provide for a Commissioner of Mines.

By Kanouse, A Bill to amend an act entitled an act concerning licenses. Also, A Bill for an act to amend an act regarding Roads and Highways.

Bills were introduced as follows:

By Marshall, H.B. No. 4—"A Bill for an act to regulate trial practice in District Courts relating to instructions."

By Muth, H.B. No. 5—"A Bill for an act concerning the office of Police Magistrate in incorporated cities."

By Buskett, H.B. No. 6—"A Bill for an act to create the office of Attorney General of Montana."

By Alderson, H.B. No. 7—"A Bill for an act concerning the qualifications of voters in towns and cities."

David Marks, Chief Clerk

The following report was received.

Mr. President,

Your Committee on Towns and Counties to whom was referred Council Bill No. 2—Entitled "An act to apportion members of the Legislative Council fo Meagher, Fergus, Gallatin and Park" have had the same under consideration and beg leave to report the bill back with the recommendation that it do pass with the annexed amendments.

Cardwell, Chairman

On motion of Kennedy, C.B. No. 2 was placed on general order.

Rickards introduced C.B. No. 5—"A Bill for an Act to amend an Act entitled an Act concerning the storage of Gun Powder." Read first and second times and referred to Committee on Mines and Minerals.

On motion of Rickards, Council took recess until 3 P.M.

3 P.M.

Council resumed.

Mr. President in the Chair.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Aug. 31, 1887

Mr. President,

I am directed by the House to inform your honorable body that the House has adopted the following Concurrent Resolution.

Resolved by the House and Council concurring that the Extraordinary Session of the Fifteenth Legislative Assembly of Montana do adjourn without date on the 10th day of September A.D. 1887 at 12 M.

David Marks, Chief Clerk

Cardwell moved that the Concurrent Resolution be adopted which was lost by the following vote:

Ayes—Batchelder, Holliday, Mr. President - 3.

Noes—Burleigh, Cardwell, Collins, Hundley, Kennedy, Rickards, Sutherlin - 7. Absent, Pardee, Waters.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Aug. 31st 1887

Mr. President,

I am directed by the House to inform your Honorable Body that under a suspension of the rules H.J.R. No. 1 has passed the House and the same is herewith transmitted.

Kanouse introduced H.B. No. 8—"A bill for an act to amend an act entitled an act concerning Licenses approved March 10th 1887."

David Marks, Chief Clerk

H.J.R. No. 1 was read first and second times.

On motion of Kennedy, the rules were suspended, the resolution was read the third time by its title, placed on its final passage and lost by the following vote:

Ayes—Burleigh, Hundley, Kennedy, Rickards, Sutherlin - 5.

Noes—Batchelder, Cardwell, Collins, Holliday, Mr. President - 5. Absent, Pardee, Waters.

On motion of Cardwell Council adjourned until tomorrow at 10 A.M.

Attest

Reuben L. Davis, Chief Clerk

## FOURTH DAY

Council Chamber, Helena, M.T.  
September 1st 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Waters from Yellowstone and Dawson Counties appeared and took his seat.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read, corrected and approved.

Sutherlin gave notice of the introduction of a bill for an act to protect the breeders of live stock in the Territory of Montana.

Burleigh, by consent, introduced a bill for an act to repeal an act to amend an act relative to bounty for killing certain animals approved March 8th 1883, approved March 5th 1887.

The following report was received.

Mr. President,

Your Special Committee composed of the members from Meagher, Choteau and Lewis and Clarke have duly considered C.B. No. 3—"A bill for an act to create the County of Cascade" and recommend that the same be amended as follows.

Hundley  
Collins  
Sutherlin

Amendments to C.B. No. 3.

No. 1. Amend section one, sixth line from bottom of first page after the words "fifteen north" add "to the south east corner of township sixteen north range ten east; thence north along the east boundary of range ten east" and strike out the words "to the westerly boundary line of Fergus County, thence north easterly along said Fergus County boundary line" near the end of 1st page sec. one.

No. 2. Amend Section two by striking out after the word "Meagher" in line 2 the words and "Lewis and Clarke" also in same section one, first line of page 3 after the word "dollars" strike out "and to the said County of Lewis and Clarke the County of Cascade shall be liable for and shall pay the sum of five thousand dollars" also insert the word "and" after the word "Choteau" in second line of Sec. 2.

No. 3. Amend section 5 by striking out "Robert Vaughn" and inserting "J.A. Harris" and by striking out "E.K. Clingan" and insert "T.A. Wall".

No. 4. Amend Sec. 12 by adding as follows:

Provided that part of Meagher County east of range ten east and north of the north boundary of Township fifteen north shall be added to and made a part of Fergus County and that part of Fergus County West of range eleven east and south of the north boundary of Township fifteen north shall be

added to and made a part of Meagher County.

On motion of Collins, the amendments to C.B. No. 3 were adopted and the bill, as amended, was placed on general orders.

On motion of Collins, the following Concurrent Resolution was adopted.

Resolved by the Council, the House concurring, that from and of ten Saturday, September 3rd 1887 at 10 O'clock A.M., no bill shall be introduced in either House unless it is first read at length. Three objections shall, after the reading, reject the bill.

Collins

The Council resolved itself into Committee of the Whole for the consideration of general orders, Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

Council resolved itself into Committee of the Whole for the consideration of general orders, Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

Kennedy, Chairman of Committee of the Whole, reported progress and asked leave to sit again.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 1st 1887

Mr. President,

I am directed by the House to inform your honorable body that notices of the introduction of bills have been given as follows:

By Marshall, a bill for an act to provide for the condemnation of lands for railroad purposes.

By Holt, a bill to provide for the payment of stock killed by railroads.

Mantle introduced H.B. No. 9—"A bill for an act to amend an act to amend an act relating to liens of Mechanics and others approved March 9th 1887."

H.B. No. 5 has passed the House and the same is herewith transmitted.

David Marks, Chief Clerk

On motion of Kennedy, Council took a recess until 2 P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

H.B. No. 5 was read first and second times and referred to Committee on Judiciary.

The following report was received.

Mr. President,

Your Committee of the Whole has had under consideration C.B. 1—"To punish interference with railroad tracks" and would recommend its passage with the accompanying amendments.

Kennedy, Chairman

On motion of Kennedy, amendments Nos. 1 and 2 were adopted and the following amendment was rejected. Add after the words "murder in the first degree" in line 11, sec. 1, the following, "And it shall not be necessary for the people to allege or prove, in any such case, that the person thereby intended to injure or endanger the life of any particular person or persons". The bill, as amended, was ordered engrossed.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 1, 1887

Mr. President,

I am directed by the House to inform your honorable body that Council Concurrent Resolution in reference to the introduction of bills has been laid on the table.

David Marks, Chief Clerk

The following report was received.

Mr. President,

Your Judiciary Committee have considered C.B. No. 4—"To amend the 4th division of the revised statutes of Montana entitled Criminal Laws" and recommend that the bill do pass. The title should be amended at proper time by inserting "Compiled Laws" instead of "Revised Statutes".

Collins, Chairman

C.B. No. 4 was placed on general orders.

The following communication from the Governor was received.

Territory of Montana  
Governor's Office  
Helena, September 1st 1887

Gentlemen of the Council and House of Representatives:

Arrangements have been made and are in process of completion for a great celebration on the 15th, 16th and 17th days of September, 1887, in the city of Philadelphia in the state of Pennsylvania, in commemoration of the centennial anniversary of the framing and promulgation of the constitution of the United States; and the proper committees in charge of the enterprise at that city have made a cordial invitation to the people of Montana and urged that their Governor and such others as they shall direct, be present and participate in the ceremonies of that occasion, and have also urged that the militia of the territory be represented, uniformed and equipped, at the celebration in order that it may take part in the grand parade of the military and naval forces of the United States and the military forces of the several states and territories.

It is my pleasure to lay this subject before your honorable body, and solicit your prompt and favorable consideration thereof.

It is a matter of public notoriety that almost every state and territory in the Union (if not all) has made provision for the appointment and attendance of representatives to be present at that national meeting in their behalf, and many of them have made liberal provision for their militia to be there in full uniform and equipped for participation in the ceremonies which will be the most imposing and grand of the occasion.

This meeting is intended to be one which in grandeur, dignity and

instructive force will equal any one ever assembled on the American continent, and that its lessons of love and patriotism shall warm afresh the hearts of American freemen, and awaken reverence amongst the people for the supreme charter of their liberties.

I regret that circumstances and the force of official duty will prevent my personal attendance and sharing in the honor and pleasures of that great centennial gathering.

I recommend that you make such provision for the representation of this territory in that celebration as your judgment shall dictate is proper and as is due from its people.

Respectfully,  
P.H. Leslie

On motion of Rickards, the communication was referred to Special Committee, appointed by the Chair and consisting of Rickards, Kennedy and Hundley.

Sutherlin, by consent, introduced C:B. No. 7—"A bill for an act to protect the breeders of live stock in the Territory of Montana." Read first and second times and referred to Committee on Grazing and Stock-growing.

On motion of Kennedy, the Council resolved itself into Committee of the Whole for the consideration of general orders, Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

Collins gave notice of introduction of a bill for an act concerning appeals also concerning instructions to juries, also concerning new trials.

On motion of Kennedy, the Council resolved itself into Committee of the Whole for the consideration of general orders. Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

Your Committee of the Whole having had under consideration C.B. 3—"To create the County of Cascade" would recommend its passage with the accompanying amendment.

Kennedy, Chairman

On motion of Kennedy, the amendment to C.B. No. 3 was adopted. Ordered engrossed.

The following report was received.

Mr. President,

Your Committee of the Whole would report that it has had C.B. 2—"To apportion Members of the Legislative Council to Meagher, Fergus, Gallatin and Park Counties" under consideration and would recommend its passage with the accompanying amendment.

Kennedy, Chairman

On motion of Kennedy, the amendments to C.B. No. 2 were adopted and the bill was referred to the Committee on Engrossment.

Collins presented petition of 938 citizens of Choteau, Lewis and Clarke and Meagher Counties asking creation of the County of Cascade. Ordered filed to be forwarded to the House.

The following report was received.

Mr. President,

Your Engrossing Committee to which was referred C.B. No. 3—"Creating the County of Cascade" beg to report the same correctly engrossed.

Holliday, Chairman

C.B. No. 3 was placed on calendar for third reading.

On motion of Hundley, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## FIFTH DAY

Council Chamber, Helena, M.T.  
September 2, 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 1st 1887

Mr. President,

I am directed by the House to inform your honorable body that Mantle gave notice of a bill for an act to amend an act relating to formation of municipal corporations approved March 10th 1887.

Toole introduced, by unanimous consent, H.B. No. 10—"An act to apportion Members of the House of Representatives of the Territory of Montana."

David Marks, Chief Clerk

The following reports were received.

Mr. President,

Your Committee on Grazing and Stock-growing to whom was referred C.B. 7—"A bill for an act to protect the breeders of live stock, etc." have had the same under consideration and beg leave to report the same back with the recommendation that the words "Stallion and Jackass" be inserted for the word "sires" whenever it may occur and as amended, do pass.

Hundley, Chairman

Mr. President,

Your Engrossing Committee to which was referred C.B. No. 1—"An act to punish interference with R.R. tracks", C.B. No. 2 "Giving representation in Council to Park and Fergus Counties" respectfully report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Mines and Minerals to whom was referred C.B. No. 5—"Concerning storage of Gunpowder" herewith return the same with recommendation that it do pass.

J.E. Rickards for Committee

On motion of Hundley, the amendments to C.B. No. 7 were adopted and the bill placed on general orders.

C. Bills Nos. 1 and 2 were placed on calendar for third reading.

C.B. No. 5 was placed on general orders.

Notices of introduction of bills were given as follows:

By Hundley, a bill for an act to protect the owners of bottles, boxes, syphons and kegs used in the sale of soda waters, mineral waters, aerated waters, porter, ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages.

By Kennedy, a bill for an act to amend an act entitled an act concerning marriage, approved March 9, 1887.

Sutherlin introduced C.B. No. 8—"A bill for an act to amend an act entitled an act to suppress and prevent the dissemination of scab and infectious diseases among sheep, approved March 10th 1887." Read first and second times and referred to Committee on Grazing and Stock-growing.

Burleigh offered the following concurrent resolution—which on motion of Collins, was adopted.

Be it resolved by the Legislative Assembly of the Territory of Montana.

Whereas, at the last session of the Legislature ample appropriation was made for printing the laws of the territory, upon the assurance of the Secretary of this Territory that said laws could and should be printed by July 1st 1887 and nearly six months having passed since the adjournment of the last session without the laws having been printed and it being understood that it will still be a considerable time before the laws are printed and the public interests as well as the convenience of this Legislature suffering from the delay.

Be it resolved the House concurring, that a committee of five members; two from the Council and three from the House be appointed to investigate the matter of the printing of the laws and to ascertain what causes have occasioned the long delay, and who, if any body, is responsible therefor and to recommend to the Legislature such action as may be appropriate that such committee have power to send for persons and papers, administer oaths and examine witnesses.

M.A. Burleigh

A communication from the House was received.

C.B. No. 1 was read the third time and passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Waters, Mr. President - 11.

Noes—None. Absent, Pardee. Title agreed to.

C.B. No. 2 was read the third time and passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Waters, Mr. President - 11.

Noes—None. Absent Pardee. Title agreed to.

On motion of Collins, the rules were suspended, C.B. No. 3 was read the third time by its title and passed by the following vote:

Ayes—Burleigh, Cardwell, Collins, Holliday, Rickards, Sutherlin, Waters, Mr. President - 8.

Noes—Batchelder, Hundley, Kennedy - 3. Absent Pardee. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Burleigh in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

Your Committee of the Whole respectfully report that the following bills have been considered and do recommend that C.B. No. 4 be amended by adopting the substitute therefor herewith presented and that as amended, the bill do pass. That C.B. No. 7 be laid on the table. That C.B. No. 5 do pass.

W.A. Burleigh, Chairman

On motion of Kennedy, the substitute for C.B. No. 4 was adopted in lieu of the original bill and referred to Committee on Engrossment.

On motion of Kennedy, C.B. No. 7 was laid on the table by the following vote:

Ayes—Batchelder, Cardwell, Holliday, Kennedy, Rickards, Waters - 6.

Noes—Burleigh, Collins, Hundley, Sutherlin, Mr. President - 5. Absent, Pardee.

On motion of Kennedy, C.B. No. 5 was referred to Committee on Engrossment.

Collins introduced C.B. No. 9—"A bill for an act creating the office of Commissioner of Immigration." Read first and second times and referred to Committee on Immigration.

Kennedy introduced C.B. No. 10—"A bill for an act amending an act entitled an act concerning marriages approved March 9, 1887". Read first and second times and referred to Committee on Education and Labor.

The following communication from the House was read.

House of Representatives, Helena, M.T.  
Sept. 2nd 1887

Mr. President,

I am directed by the House to inform your honorable body that notices of the introduction of bills have been given as follows:

By White, a bill concerning school text book commission.

By Muth, a bill to amend an act relating to marriage, approved March 9th 1887.

Messrs. Page and Harwood were added to the Joint Committee on matters concerning revenue.

Bills were introduced as follows:

By Marshall, H.B. No. 11—"A bill for an act to provide for the condemnation of lands for Rail Road purposes."

By Muth, H.B. No. 12—"A bill for an act to enable certain cities to incur indebtedness."

By Mantle, H.B. No. 13—"A bill for an act to amend an act relating to the formation of Municipal Corporations approved March 10th 1887."

House Bills Nos. 4 and 7 have passed the House and they are herewith transmitted.

The House has adopted Council Concurrent Resolution in reference to the appointment of a Joint Committee regarding the investigation of the printing

of the laws and in conformity therewith Mr. Speaker has appointed Messrs. Harwood, Kanouse and Toole on the part of the House.

David Marks, Chief Clerk

Mr. President appoint Burleigh and Collins to act on the part of the Council as the Joint Committee on the part of the Council.

Council took a recess until 2 P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

H.B. No. 4 was read first and second times and referred to Committee on the Judiciary.

H.B. No. 7 was read first and second times and referred to Committee on Elections.

On motion of Kennedy, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk

## SIXTH DAY

Council Chamber, Helena, M.T.  
September 3rd 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Rev. Mr. Streator.

Journal of yesterday read and approved.

The following reports were received.

Mr. President,

Your Engrossing Committee to which was referred C.B. No. 4—"A bill to define disturbance of the peace"; C.B. No. 5—"A bill relating to the storage of Gunpowder" beg to report them correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Grazing and Stock-growing to whom C.B. No. 8 was referred have examined the same and refer the same back without recommendation.

Hundley

C. Bills Nos. 4 and 5 were placed on Calendar for third reading.

C.B. No. 8 was placed on general orders.

Holliday (by consent) introduced C.B. No. 11—"A bill for an act to provide for transferring certain records from Gallatin County to Park County." Read first and second times and referred to Committee on Towns and Counties.

Hundley introduced C.B. No. 12—"A bill for an act to protect owners of bottles, boxes, syphons, and kegs used in the sale of soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages." Read first and second times and referred to Committee on Judiciary.

C.B. No. 4 was read the third time and passed by the following vote:

Ayes—Batchelder, Burleigh, Hundley, Collins, Cardwell, Holliday, Kennedy, Pardee, Rickards, Sutherlin, Waters, Mr. President - 12.

Noes—None. Title agreed to.

C.B. No. 5 was read the third time and passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Waters, Mr. President - 12.

Noes—None. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

Your Committee of the Whole respectfully report back C.B. No. 8 as having been considered and with the recommendation that the same do pass.

Hundley, Chairman

On motion of Collins, C.B. No. 8 was referred to Committee on Engrossment.

Kennedy, by consent, gave notice of introduction of a bill to amend an act entitled an act relating to assessment and levy of taxes, approved March 10th 1887.

On motion of Cardwell, Council took a recess until 2 P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following reports were received.

Mr. President,

The majority of your Committee to whom was referred H.B. No. 7—“A bill for an act defining the qualifications of voters in incorporated towns and cities” most respectfully report the same back with the recommendation that it do pass.

Waters, Chairman

Mr. President,

Differing in my views with majority of your Committee on Elections to whom was referred H.B. No. 7—“Respecting qualifications of voters in incorporated towns and cities” I respectfully recommend that the bill do not pass.

J.E. Rickards

Mr. President,

Your Committee on Towns and Counties to whom was referred C.B. No. 11—Entitled “An act to provide for the transferring certain records from Gallatin to Park County” have had the same under consideration and report the bill back with the recommendation that it do pass.

Cardwell, Chairman

On motion of Kennedy, H.B. No. 7 and C.B. No. 11 were placed on general orders.

Collins introduced (without objection) the following bills:

C.B. No. 13—“An act concerning instructions to juries.” Also, C.B. No. 14—“A bill for an act concerning new trials.” Also, C.B. No. 15—“A bill for an act concerning appeals.”

Which were read first and second times and referred to Committee on Judiciary.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 3rd 1887

Mr. President,

I am directed by the House to inform your honorable body that Bills were introduced as follows:

By Taylor, H.B. No. 14—"A bill for an act concerning the terms of County Assessors."

By White, H.B. No. 15—"A bill for an act concerning the school text book commission."

By Hanscom, H.B. No. 16—"A bill for an act to establish the office of Commissioner of Mines."

By Mantle, H.B. No. 17—"A bill for an act to repeal an act to prevent the sale of intoxicating liquors in variety theatres, approved February 18th 1887."

By Mantle, H.B. No. 18—"A bill for an act to amend an act to regulate gambling approved March 9th 1887."

H. Bills Nos. 3 and 6 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

H.B. No. 3 was read first and second times and referred to Committee on Mines and Minerals.

H.B. 6 was read first and second times and referred to Committee on Judiciary. By consent, the following bills were introduced.

By Burleigh, C.B. No. 16—"A bill for an act relating to motions for new trials." Also, C.B. No. 17—"A bill for an act to amend an act authorizing the appointment of Stenographers by the District Courts approved March 10th 1887." Which were read first and second times and referred to Committee on Judiciary.

Waters introduced C.B. No. 18—"A bill for an act to further define the boundaries of Yellowstone County." Also petition of residents of the Territory included in the bill praying for the same. Read first and second times and referred to special committee consisting of the members from Yellowstone, Meagher and Fergus Counties.

Leave of absence was granted to Rickards until Monday, next at 12 M. and to Pardee until Tuesday morning next.

On motion of Holliday, the Council adjourned until Monday next at 10 A.M.

Reuben L. Davis, Chief Clerk



## EIGHTH DAY

Council Chamber, Helena, M.T.  
Sept. 5th 1887

Council met at 10 A.M. pursuant to adjournment.

Roll called—Quorum present.

Journal of Sept. 3rd read and approved.

On motion of Cardwell, Waters was granted leave of absence until tomorrow.

Holliday presented remonstrance of 126 residents of Bozeman against the passage of H.B. No. 7. Also, petition signed by 76 residents of same place praying for passage of the bill. Ordered filed.

A remonstrance of residents of Choteau County against division of said County was presented, ordered filed.

The following reports were received.

Mr. President,

Your Committee on Immigration to whom was referred C.B. No. 9—"Providing for the creation of the office of Commissioner of Immigration" ask leave to report the same back to the Council with the recommendation that it do not pass.

Burleigh  
Sutherlin

Mr. President,

Your Committee on Engrossment to which was referred C.B. No. 8—"Relating to the prevention and suppression of scab and infectious diseases among sheep" respectfully report the same back correctly engrossed.

Holliday, Chairman

C.B. No. 8 was placed on Calendar for third reading.

C.B. No. 9 was placed on general orders.

Sutherlin gave notice of introduction of a bill for an act to amend an act entitled an act to encourage tree planting and arboriculture in Montana approved Feb. 28, 1887.

On motion of Batchelder, the third reading of C.B. No. 9 was postponed until tomorrow.

Kennedy moved that the Council take a recess until 2 P.M. today.

On motion of Burleigh, the Council adjourned until tomorrow at 10 A.M.

Reuben L. Davis, Chief Clerk



## NINTH DAY

Council Chamber, Helena, M.T.  
September 6th 1887

Council met at 10 A.M. pursuant to adjournment.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following report was received.

Mr. President,

Your Committee on Education and Labor has had under consideration C.B. No. 10—"Amending the marriage license law" and would recommend the adoption of the accompanying amendments and that as thus amended, the bill do pass.

J.E. Rickards

On motion of Kennedy, the amendments to C.B. No. 10 were adopted and the bill was placed in general orders.

Sutherlin gave notice of introduction of a bill for an act to regulate appeals from Probate and Justices' Courts.

Sutherlin introduced C.B. No. 19—"A bill for an act to amend an act entitled an act to encourage tree planting and arboriculture approved February 28th 1887." Read first and second times and referred to Committee on Agriculture and Manufactures.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 6th 1887

Mr. President,

I am directed by the House to inform your Honorable body that Marshall introduced H.B. No. 20—"An act to amend an act entitled an act requiring the publication of certain matters."

H.B. No. 8 has passed the House and the same is herewith transmitted.

David Marks, Chief Clerk

H.B. No. 8 was read first and second times and referred to Committee on Ways and Means.

C.B. No. 8 was read the third time and lost by the following vote:

Ayes—Collins, Rickards, Sutherlin, Mr. President - 4.

Noes—Batchelder, Burleigh, Cardwell, Holliday, Hundley, Kennedy, Pardee - 7. Absent, Waters.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

Pardee, Chairman of Committee of the Whole, reported progress and asked leave for the committee to sit again.

On motion of Collins, Council took a recess until 2 P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

On motion of Hundley, the Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

Mr. President,

The Committee of the Whole respectfully report that H.B. No. 7 has been considered and do recommend the annexed amendments thereto and that as amended, the bill do pass.

Pardee, Chairman

On motion of Kennedy, the amendment, strike out the words "and none other" after the word "Legislature" in line 1, Sec. 1, was adopted.

On motion of Collins, the amendment, strike out after the word "vote" in line 26, all the balance of the Section, was adopted by the following vote:

Ayes—Burleigh, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin - 8.

Noes—Batchelder, Kennedy, Mr. President - 3. Absent, Waters.

On motion of Collins, Section 2 was amended by inserting after the word "Knowingly" the word "intentionally".

The amendments were ordered engrossed.

The following communication from the House was read.

House of Representatives, Helena, M.T.  
Sept. 6th 1887

Mr. President,

I am directed by the House to inform your honorable body that notice of the introduction of bills were given as follows.

By Buskett, a bill to provide for a Territorial Penitentiary.

Bills have been introduced as follows.

By Judiciary Committee, H.B. No. 21—"A bill for an act appropriating money to aid in the codification of the Laws of the Territory of Montana."

By Taylor, H.B. No. 22—"A bill to prevent running cattle and horses by dogs."

By Committee on Grazing and Stock Raising, H.B. No. 23—"An act to amend section 285 of the 4th Division of the compiled statutes of Montana."

By Committee on Grazing and Stock Raising, H.B. No. 24—"An act to amend section 172 of the Fifth division of the compiled statutes of Montana."

By Muth, H.B. No. 25—"A bill for an act to amend an act entitled an act to amend sections 71, 77, 80 and 81 of the Fifth Division of the revised statutes of Montana, increasing the salaries and bonds of the Territorial Auditor and Treasurer, approved March 5th 1887."

By Marshall, H.B. No. 26—"An act authorizing the appointment of Deputy Clerks and recorders in Mining Districts."

By Mantle, H.B. No. 27—"A Bill for an act to amend an act concerning roads and highways approved March 9th 1887."

By Mantle, H.B. No. 28—"A bill for an act entitled relating to the registration and qualifications of voters."

House Bills No. 13 and 19 have passed the House and are herewith transmitted.

David Marks, Chief Clerk

H.B. No. 19 was read first and second times and referred to Committee on Agriculture and Manufactures.

On motion of Collins, the rules were suspended, H.B. No. 13 was read first and second times by its title and referred to Committee on Printing.

The following reports were received.

Mr. President,

Your Judiciary Committee have considered H.B. No. 6—"An act to create the office of Attorney General" and beg leave to report the same back with the recommendation that it pass.

Collins, Chairman

Mr. President,

Your Judiciary Committee have considered C.B. No. 17—"An Act to amend an act authorizing the appointment of Stenographers by the District Courts" and recommend that the same be amended as annexed and as so amended, that it pass.

Collins, Chairman

H.B. No. 6 and C.B. No. 17 were placed in general orders.

On motion of Collins, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## TENTH DAY

Council Chamber, Helena, M.T.  
Sept. 7th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Journal of yesterday read and approved.

Rickards presented a petition of citizens of Butte City, Silver Bow County, asking for an amendment of the law by reducing the amount of licenses of Hacks, carriages, etc. Referred to Committee on Ways and Means.

The following reports were received.

Mr. President,

Your Committee on Agriculture and Manufactures to whom was referred H.B. No. 19—"A bill for an act concerning the bounty for killing certain wild animals" have had the same under consideration and beg leave to report the bill back with amendment and as so amended, recommend the passage of the bill.

Cardwell, Chairman

Mr. President,

Your Committee on Agriculture and Manufactures to whom was referred C.B. No. 19—"A bill for an act entitled an act to encourage tree planting and arboriculture in Montana" have had the same under consideration and beg leave to report the Bill back with the recommendation that it do pass.

Cardwell, Chairman

Mr. President,

Your Committee on Agriculture and Manufactures to whom was referred C.B. No. 6—"Entitled a bill for an act to repeal an act to amend an act, relative to bounty for killing certain wild animals approved March 8th 1883, approved March 5th 1887" have had the same under consideration and report the bill back without any recommendation.

Cardwell, Chairman

Mr. President,

Your Committee on Engrossment to which was referred C. amendments to H.B. No. 7—"Defining the qualification of voters in incorporated towns and cities" respectfully report them back correctly engrossed.

Holliday, Chairman

H.B. No. 19, C.B. No. 19 and C.B. No. 6 were placed on general orders. H.B. No. 7 was placed on calendar for third reading.

Kennedy gave notice of introduction of a bill creating the office of District Attorney and prescribing the duties thereof.

Sutherlin introduced C.B. No. 20—"A bill for an act to regulate appeals from Probate and Justices Courts." Read first and second times and referred

to Committee on Judiciary.

H.B. No. 7 was read the third time and passed as amended by the following vote:

Ayes—Burleigh, Cardwell, Collins, Holliday, Hundley, Waters, Mr. President - 7.

Noes—Batchelder, Kennedy, Pardee, Rickards, Sutherlin - 5. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Hundley in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

The Council resolved itself into Committee of the Whole. Hundley in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the Governor was received.

Council resolved itself into Committee of the Whole. Hundley in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

Your Committee of the Whole having considered, respectfully report the same back and recommend that the annexed amendments to C.B. No. 11 be adopted and that, as amended, the bill do pass. That C.B. No. 9 be referred to a Special Committee of three. That C.B. No. 10, as amended, do pass.

Hundley

On motion of Sutherlin, the amendments to C.B. No. 11 were adopted, ordered engrossed.

Collins moved that C.B. No. 9 be referred to a Special Committee of three, which was carried and the Chair appointed Rickards, Collins and Sutherlin, such Committee.

C.B. No. 10 was ordered engrossed.

The following communication from the governor was read.

Territory of Montana  
Governor's Office  
Helena, August 31st 1887

Gentlemen of the Council,

In compliance with the provision of the law found in the act entitled "An act relating to assessment and levy of Taxes, approved March 10, 1887" and especially the Sections 5, 11 and 38 thereof. I nominate and recommend for your advice and consent to be members of the Territorial Board of Equalization, the following named persons, to wit: Charles E. Conrad of the County of Choteau, for the First Judicial District; W.A. Clarke of the County of Silver Bow, for the Second Judicial District; L.S. Wilson of the County of Gallatin, for the Third Judicial District and Alfred Myers of the County of Yellowstone, for the Fourth Judicial District. Each of whom is a qualified elector and a free holder.

Respectfully,  
P.H. Leslie

The communication was referred to Committee on Ways and Means.

The following communication from the House was read.

House of Representatives, Helena, M.T.  
Sept. 7th 1887

Mr. President,

I am directed by the House to inform your honorable body that Bills have been introduced as follows:

By Buskett, H.B. No. 29—"An act to provide for a Territorial Penitentiary."

By Alderson, H.B. No. 30—"A bill for an act concerning irrigation and water rights."

By Muth, (by unanimous consent), H.B. No. 31—"A bill for an act to amend an act entitled an act to provide for Deputy County Treasurers and to fix their compensation, approved Feby 18th 1887."

C. Bills Nos. 1 and 4 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

C. Bills Nos. 1 and 4 were referred to Committee on Enrollment.

On motion of Sutherlin, Council took a recess until 3 O'clock P.M.

**3 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

I am instructed by the Committee of the Whole to report back C. Bills 17 and 19 and to recommend that the annexed amendments to C.B. 17 be adopted and that the bill, as amended, do pass.

That C.B. No. 19 do pass.

That H.Bs. 6 and 19 and C.B. No. 6 are retained for further consideration.

J.K. Pardee, Chairman

On motion of Kennedy, the amendments to C.B. 17 were adopted.

C.Bs. Nos. 17 and 19 were referred to Committee on Engrossment.

On motion of Collins, H.B. No. 13 was recalled from Committee on Printing and referred to Committee on Towns and Counties.

On motion of Batchelder, the vote by which C.B. 8 was lost on yesterday was reconsidered and on motion of Collins, the bill was referred to a Special Committee of three, consisting of Batchelder, Sutherlin and Collins.

On motion of Burleigh, the Council adjourned until tomorrow morning at 10 O'clock.

Reuben L. Davis, Chief Clerk



## ELEVENTH DAY

Council Chamber, Helena, M.T.  
Sept. 8th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following reports were received.

Mr. President,

Your Engrossing Committee to which was referred C.B. No. 11—"Providing for transfer of certain Records from Gallatin County", C.B. No. 17—"Authorizing the appointment of Stenographers in District Courts", C.B. No. 19—Concerning tree planting and arboriculture" respectfully report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Enrolling Committee to which was referred C.B. No. 4—"Defining disturbance of the peace", C.B. No. 1—"An act to punish interference with Railroad tracks" respectfully report them back correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Joint Committee, upon the subject of a Revenue Law, having carefully considered the same beg leave to report the bill upon said subject, herewith accompanying as a substitute for H.B. No. 2, which they recommend be adopted and that it do pass. T.E. Collins, Burleigh, Holliday, Kanouse, Page, Alderson, Mantle, Buskett, Harwood, Joint Committee on Revenue.

The bill and a duplicate hereof has been presented to the House.

C. Bills Nos. 11, 17 and 19 were placed on calendar for third reading.

Kennedy introduced C.B. No. 21—"A bill for an act to amend an act entitled an act relating to assessment and levy of taxes, approved March 10th 1887." On motion of Kennedy, the rules were suspended, the bill was read first and second times by its title and placed on general orders.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 7th 1887

Mr. President,

I am directed by the House to inform your honorable body that the House has concurred in Council amendments to H.B. No. 7.

David Marks, Chief Clerk

C.B. No. 11 was read the third time and passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Pardee,

Rickards, Sutherlin, Waters, Mr. President - 11.

Noes—Kennedy - 1. Title agreed to.

C.B. No. 17 was read the third time, Burleigh offered an amendment. On motion of Collins, the bill was, by unanimous vote, referred back to Committee on Judiciary.

C.B. No. 19 was read the third time and passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Waters, Mr. President - 12. Title agreed to.

Mr. President announced the signing of H.B. No. 7.

On motion of Pardee, C.B. No. 6 was taken from general orders, considered engrossed and placed on calendar for third reading.

On motion of Burleigh, section 1 was amended by adding the following:

"It being the true intent and meaning of this act, that all former acts and parts of acts providing for the payment of a bounty for the killing of any wild animals whatsoever be and the same are hereby repealed."

The bill was then read the third time and passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Collins, Hundley, Kennedy, Pardee, Rickards, Waters, Mr. President - 10.

Noes—Holliday, Sutherlin - 2. Title agreed to.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

Your Committee of the Whole has had under consideration H.B. No. 6—"Creating the office of Attorney General" and recommend that it be passed for the day; also H.B. 19—"Concerning the bounty for wild animals" and recommend that it be laid on the table until called up; also C.B. 21—"Concerning the assessment and levy of taxes" and recommend that it be passed until the bill on the same subject reported by the Joint Committee on Revenue be placed on general orders.

Kennedy, Chairman

On motion of Kennedy, the recommendation of the report was adopted.

On motion of , Council took a recess until 2 O'clock P.M.

**2 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

A communication from the House was received.

Kennedy introduced C.B. No. 22—"A bill for an act creating the office of District Attorney and defining the duties thereof." Read first and second times and referred to the Committee on Judiciary.

The following reports were received.

Mr. President,

Your Engrossing Committee to which was referred C.B. No. 10—"Concerning marriages" respectfully report the same back correctly engrossed.

Holliday, Chairman

Mr. President,

Your Committee on Towns and Counties to whom was referred H.B. No. 13—"A bill for an act to amend an act relating to the formation of municipal corporations" have had the same under consideration and beg leave to report the bill back with the recommendation that it do pass.

Cardwell, Chairman

C.B. No. 10 was placed on calendar for third reading.

On motion of Kennedy, the amendments to C.B. No. 17 were adopted and the bill referred to Committee on Engrossment.

H.B. No. 13 was placed on general orders.

The following communication from the House.

House of Representatives, Helena, M.T.  
September 8th 1887

Mr. President,

I am directed by the House to inform your honorable body that H.B. No. 16 has been laid on the table.

H.B. Nos. 9 and 14 have passed the House and they are herewith transmitted.

H. Bills Nos. 10 and 17 have been lost.

David Marks, Chief Clerk

H.B. No. 14 was read first and second times and referred to Committee on Ways and Means.

H.B. No. 9 was read first and second times and referred to Committee on Judiciary.

On motion of Kennedy, the rules were suspended, C.B. No. 3 was read the third time by its title and placed upon its final passage. The bill passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Waters, Mr. President - 12.

Noes—None. Title agreed to.

On motion of Kennedy, the Council adjourned until tomorrow at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## TWELFTH DAY

Council Chamber, Helena, M.T.  
Sept. 9, 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A communication from the House was received.

The following reports were received.

Mr. President,

Your Committee on Enrollment beg leave to report that C.B. 1—"To punish interference with railroad tracks" and C.B. 4—"To define disturbance of the peace" were presented to the Governor for his consideration at 3 P.M., Sept. 8th 1887.

Kennedy, Chairman

Mr. President,

Your Engrossing Committee to which was referred C.B. No. 17—"Relating to Stenographers for District Courts" respectfully report the same correctly engrossed.

Holliday, Chairman

Report of the Joint Committee of the two Houses of the Legislative Assembly of the Territory of Montana appointed to inquire into and report the cause of delay in the publication of the compiled laws of said territory.

The Joint Committee of the two Houses of the Legislative Assembly to whom was referred the resolution instructing your Committee to investigate the matter of the printing of the laws and to ascertain what causes have occasioned the long delays and who, if anybody, is responsible therefor and to recommend to the Legislature such action as may be appropriate beg leave to report your Committee have endeavored to discharge the duties imposed on them by the joint resolution, so far as the limited time and means at their disposal permit, and have arrived at the conclusion from the evidence before them that the delay in the publication of the laws has resulted from the failure of the Secretary of the Territory or his employees to furnish the necessary copy to the publishers in time for their early publication; no portion of which copy was furnished until the 17 day of June last.

The Secretary advertisement for proposals for the publishing of the laws of the 15th Session, dated Dec. 26, 1886, required that the successful bidder should furnish a good and sufficient bond for the faithful performance of his contract and delivery of the printed laws at his office within ninety days after the adjournment of the 15th Legislative Assembly; but House Bill No. 106—Entitled "An act to provide for compiling, editing and indexing the general laws of the Territory of Montana in force at the adjournment of the

15th Regular Session of the Legislative Assembly", approved March 10, 1887 fixes no limitation as to the time within which said publication shall be completed. The contract for the work being on file in the Treasury Department at Washington as appears from the evidence, your Committee have not been able to inspect it. Out of the \$2,500 appropriated for the publication of said laws by the Legislature the books of the Territorial Auditor show that \$825.00 have been drawn from the Treasury.

The testimony of one of the firms having the contract for publishing the laws, fixes the earliest date for the completion and delivery of said laws at Oct. 25th 1887.

Your Committee feel justified in coming to the conclusion from the evidence before them, that had the necessary copy been supplied the contractors soon after the adjournment of the 15th Regular Session, the compiled law of the Territory would have been published and ready for distribution by the 15th day of July last.

All the evidence in the case, together with House Bill 106, and a copy of the advertisement for proposals for publishing the laws, is herewith submitted.

Committee on part of the Council.  
W.A. Burleigh  
Timothy E. Collins  
Committee on part of House.  
E.W. Harwood  
J.E. Kanouse  
Toole

C.B. No. 17 was placed on Calendar for third reading.

The report and testimony presented by the Joint Committee to investigate and report the cause of delay in publication of the laws were ordered placed on file.

Cardwell gave notice of introduction of a bill in relation to public buildings.

Pardee introduced C.J.M. No. 1, praying for an amendment of Alien Land Law. Read first and second times. On motion of Hundley, the rules were suspended, the memorial was considered engrossed, read the third time by its title and placed upon its final passage.

The memorial was passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Waters, Mr. President - 11.

Noes—Kennedy - 1. Title agreed to.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 8th 1887

Mr. President,

I am directed by the House to inform your honorable body that H. Bills Nos. 2, 20 and 21 have passed the House and they are herewith transmitted. H.B. No. 29 has been laid upon the table.

David Marks, Chief Clerk

On motion of Rickards, the rules were suspended, H.B. No. 2 was read first and second times by its title and placed on general orders.

H.B. No. 20 was read first and second times and referred to Committee on

printing. H.B. No. 21 was read first and second times and referred to Committee on Judiciary.

The following communication from the Governor was received.

Helena, M.T.  
Sept. 9, 1887

Gentlemen of the Legislative Council,

I have the honor to inform you that on the 8th day of Sept., 1887, I did approve Bills which originated in your body numbered one and four, the former entitled "An act to punish interference with railroad tracks" and the latter entitled "An act to define disturbance of the peace".

Respectfully  
P.H. Leslie

The following report was received.

Mr. President,

Your Special Committee to whom was referred C.B. No. 8—"An act to amend an act to suppress and prevent the dissemination of scab and infectious diseases among sheep approved March 10th 1887" have considered the same and recommend that it pass with the amendments annexed hereto.

G.L. Batchelder  
W.H. Sutherlin  
T.E. Collins  
Special Committee

On motion of Burleigh, the amendments to C.B. No. 8 were adopted and ordered engrossed.

C.B. No. 17 was read the third time.

Sutherlin presented petition of citizens of Meagher County praying for passage of the bill.

The bill was passed by the following vote:

Ayes—Batchelder, Burleigh, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Waters, Mr. President - 11.

Noes—None. Absent, one. Title agreed to.

The following reports were received.

Mr. President,

Your Committee on Ways and Means to whom was referred H. Bill No. 3 having had the same under consideration beg leave to report the same back with recommendation that it do pass.

J.K. Pardee, Chairman

Mr. President,

Your Committee on Ways and Means to whom was referred H. Bill No. 8 having had the same under consideration beg leave to report the same back without recommendation.

J.K. Pardee, Chairman

The following report was received.

Mr. President,

The Judiciary Committee have considered C.B. No. 20—"Relating to

appeals from Probate and Justices Courts" and recommend that it pass.

Collins, Chairman

H. Bills Nos. 3 and 8 and C.B. No. 20 were placed on general orders.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 9th 1887

Mr. President,

I am directed by the House to inform your honorable body that C. Bill No. 3 (as amended) has passed the House and the same is herewith transmitted.

David Marks, Chief Clerk

On motion of Kennedy, the amendments to C.B. No. 3 were referred to the special committee to which the bill was referred.

On motion of Kennedy, Council took a recess until 2 P.M.

2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 9, 1887

Mr. President,

I am directed by the House to inform your honorable body that bills were introduced as follows:

By Taylor, H.B. No. 32—"A bill for an act to amend section 253 Second Division of the Compiled Laws of Montana."

By Kanouse, H.B. No. 33—"A bill for an act to repeal Section 10 of an act entitled an act to create the County of Fergus and to provide for the election of officers thereof."

House Bills Nos. 11 and 24 and Council Bills Nos. 2 (as amended) and 5 have passed the House and are herewith transmitted.

David Marks, Chief Clerk

Holliday moved that the Council concur in House amendments to C.B. No. 2, which was lost by the following vote:

Ayes—Batchelder, Rickards, Waters, Holliday, Cardwell, Collins - 6.

Noes—Burleigh, Hundley, Kennedy, Pardee, Sutherlin, Mr. President - 6.

The House was requested to receive for its amendments.

C.B. No. 5 was referred to Committee on Enrollment.

H.B. No. 11 was read first and second times and on motion of Kennedy, referred to Committee on Corporation.

H.B. No. 24 was read first and second times and referred to Committee on

Grazing and Stock-growing.

The following report was received.

Mr. President,

A portion of the Committee to whom was referred C.B. No. 18—"A bill for an act to further define the boundary of Yellowstone County" respectfully report the same back with following amendments that the title be amended to read as follows, "A Bill for an act to further define the boundaries of Yellowstone and Meagher Counties" and with the following amendments recommend that it do pass.

Waters

Waters moved that the rules be suspended and C.B. No. 18 be placed on Calendar for third reading, which was lost.

On motion of Kennedy, the bill was placed on general orders.

The following report was received.

Mr. President,

Your Special Committee to whom was referred C.B. No. 3—"An act to create Cascade County" have considered the same with the House amendments. We recommend that the amendments of the House be adopted and the bill, as amended, passed.

Collins  
Sutherlin

Collins moved that the House amendments to C.B. No. 3 be concurred in by the Council.

Kennedy moved as an amendment that the bill and amendments be placed on general orders, which was lost.

The original motion that the House amendments to C.B. No. 3 be concurred by the Council was carried and the bill referred to Committee on Enrollment.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

I am instructed by the Committee of the Whole to report back H.B. No. 2 and to recommend that the bill, as amended, do not pass.

J.K. Pardee, Chairman

On motion of Kennedy, the Council adjourned until tomorrow morning at 9 O'clock.

Reuben L. Davis, Chief Clerk



## THIRTEENTH DAY

Council Chamber, Helena, M.T.  
Sept. 10th 1887

Council met at 10 A.M. pursuant to adjournment.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following reports were received.

Mr. President,

Your Enrolling Committee to which was referred C.B. No. 5—"Concerning the storage of gunpowder" respectfully report the same correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Enrolling Committee to which was referred C.B. No. 3—"To create the County of Cascade" respectfully report the same correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Engrossing Committee to which was referred C.B. No. 8—"Relating to scab and infectious diseases among sheep" respectfully report the same back correctly engrossed.

Holliday, Chairman

Mr. President,

Your Judiciary Committee have considered C.B. No. 12—"To protect the owners of bottles, boxes, etc." and recommend it to the consideration of the Council without recommendation. We recommend that C.B. 13, C.B. 14, C.B. 15—"Relating to rules of practice in civil cases" be laid on the table, also, that C.B. 22—"To create the office of District Attorney" do not pass.

That H.B. 4 and C.B. 16—"Relating to rules of practice in District Court" do pass. That H.B. 5—"Concerning the office of Police Magistrate" do pass. Also, that H.B. 21—"Appropriating money to aid in the codification of the Laws of Montana" be returned for consideration of the Council in general orders.

Collins, Chairman

Mr. President,

Your Committee to whom H.B. 24 was referred have considered the same and recommend that it do pass.

Hundley, Chairman

Mr. President,

Your Committee on Judiciary have considered H.B. No. 9, the lien law, and recommend it do pass with the annexed recommendations.

Collins, Chairman

C.B. No. 8 was placed on Calendar for third reading.

C. Bills Nos. 12, 13, 14, 15, 22 and 16, H. Bills Nos. 4, 5, 21, 24 and 9 were placed on general orders.

Mr. President announced the signing of C. Bills Nos. 3 and 5.

Burleigh introduced C.B. No. 23—"An act to regulate the fees of Justices of the Peace." Read first and second times and referred to Committee on Public Lands.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 9th 1887

Mr. President,

I am directed by the House to inform your honorable body Taylor has given notice of a motion to reconsider the vote by which C.B. No. 6 was lost and the House respectfully asks for the return of the bill.

David Marks, Chief Clerk

The Clerk was directed to return C.B. No. 6 to the House.

Burleigh offered the following Resolution and moved that the rules be suspended and the resolution considered at once.

Resolved by the Council the House concurring that the Extraordinary Session of the Legislative Assembly of the Territory of Montana do on Tuesday, the 13th 1887, adjourn sine die.

Burleigh

The motion was lost.

Cardwell introduced C.B. No. 24—"An act to enable counties to erect Court Houses." Read first and second times and referred to Committee on Judiciary.

On motion of Pardee, the rules were suspended, C.B. No. 8 was read the third time by its title and passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Hundley, Pardee, Rickards, Sutherlin, Waters, Mr. President - 9.

Noes—Kennedy - 1. Absent, Collins, Holliday - 2. Title agreed to.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 10, 1887

Mr. President,

I am directed by the House to inform your Honorable body that House Joint Resolution for adjournment has passed the House, a copy of which is herewith transmitted.

Respectfully,  
David Marks, Chief Clerk

House Joint Resolution to adjourn. Be it resolved by the House the Council concurring.

Section 1. That the extraordinary session of the 15th Legislative Assembly, stand adjourned sine die at 12 O'clock noon on Tuesday the 13th inst.

Burleigh moved that the resolution be amended by striking out the word

"Joint" and inserting "Concurrent", which was lost.

Burleigh moved to strike out the word "noon" and insert "midnight", which was lost.

Kennedy moved that the resolution be laid on the table.

On motion of Rickards, a call of the House was ordered; the roll being called, Collins not being present the Sergeant at Arms was ordered to bring in the absentee. Collins appeared and on motion of Sutherlin, all further proceedings under the call were dispensed with.

The motion to lay the resolution on the table was lost by the following vote:

Ayes—Cardwell, Collins, Hundley, Kennedy, Sutherlin, Waters - 6.

Noes—Batchelder, Burleigh, Holliday, Pardee, Rickards, Mr. President - 6.

On motion of Collins, the further consideration of the resolution was postponed until Tuesday next at 11:55 A.M. by the following vote:

Ayes—Cardwell, Collins, Holliday, Hundley, Kennedy, Sutherlin, Waters - 7.

Noes—Batchelder, Burleigh, Pardee, Rickards, Mr. President - 5.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

Council resolved itself into Committee of the Whole. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

Pardee, Chairman of Committee of the Whole, reported progress and asked leave to sit again.

The following communication from the House was read.

House of Representatives, Helena, M.T.  
Sept. 10th 1887

Mr. President,

I am directed by the House to inform your Honorable body that bills were introduced as follows:

By Harwood, H.B. No. 34—"A bill for an act relating to party walls in incorporated cities or towns."

By Taylor, H.B. No. 35—"An act to amend Section 3 of an act to protect Game, Fur-bearing animals and Fish, approved March 8th 1883."

C.J.M. No. 1, H.Bs. Nos. 12, 17, 18 and 23 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

C.J.M. No. 1 was referred to Committee on Enrollment.

On motion of Kennedy, House Bills Nos. 12, 17, 18 and 23 were laid on the table temporarily, until after further consideration of the Revenue Bill.

On motion of Cardwell, Council took a recess until 2 P.M.

2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Pardee in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

I am instructed by the Committee of the Whole to report back H.B. No. 2 with the annexed amendments and to recommend the adoption of the amendments and that the bill pass, as amended.

J.K. Pardee, Chairman

On motion of Burleigh, the amendments to H.B. No. 2 were adopted and referred to Committee on Engrossment.

On motion of Kennedy, the Council resolved itself into Committee of the Whole for the consideration of H.B. No. 8. Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

Kennedy, Chairman of Committee of the Whole, reported progress in consideraton of H.B. No. 8 and asked leave to sit again.

Holliday, Chairman of Committee on Engrossment, reported that amendments to H.B. No. 2 having been placed in proper order and plainly written, were recommended to be considered engrossed. Recommendation adopted and bill placed on calendar for third reading.

On motion of Pardee, the rules were suspended, H.B. No. 2 was read the third time by its title and placed on its final passage.

Collins, by unanimous consent, offered an amendment to the last section of the bill, which was adopted.

The reading of the amendments being called for, the same were read and the bill passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Pardee, Rickards, Sutherlin, Mr. President - 10.

Noes—Kennedy - 1. Absent, Waters. Title agreed to.

The following report was received.

Mr. President,

Your Enrolling Committee respectfully report that Council Bill No. 3—"An act to create the County of Cascade, to define its boundaries and to provide for its organization" and C.B. No. 5—"An Act to amend an act concerning the storage of gunpowder, approved March 1st 1883" having passed both Houses, been signed by the Speaker and President, were presented to the Governor for his approval this 10th day of Sept., 1887 at 11 A.M.

T.E. Collins of the Committee  
on Enrollment

Collins gave notice of introduction of a bill for an act relating to taking of

acknowledgments of Deeds, and for other purposes.

Council resolved itself into Committee of the Whole for the consideration of general orders. Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

Kennedy, Chairman of Committee of the Whole, reported progress in consideration of H.B. No. 8 and was granted time to prepare report.

Pardee, by unanimous consent, introduced C.J.M. No. 2, praying for the passage of an Act of Congress increasing the number of members of the Legislative Assembly of Montana. Read first and second times.

On motion of Kennedy, the rules were suspended, the Memorial was considered engrossed, read the third time and passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Pardee, Rickards, Sutherlin, Waters, Mr. President - 12.

Noes—None. Title agreed to.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 10th 1887

Mr. President,

I am directed by the House to inform your honorable body that the House refuses to recede from its amendments to C.B. No. 2.

H.B. No. 33 has passed the House and the same is herewith transmitted.

H. Bills Nos. 28, 30 and 31 have been laid on the table.

David Marks, Chief Clerk

On motion of Collins, the Council adhered to its non concurrence in H. amendments to C.B. No. 2 and requested the appointment of a Committee of Conference thereon.

On motion of Kennedy, H.B. No. 33 was laid on the table until called up.

Pardee asked for leave of absence from tomorrow indefinitely, which was granted.

Batchelder moved that the Council adjourn until Monday next at 10 A.M.

Waters moved as an amendment, that the Council take a recess until half past 7 O'clock, today, which was lost.

The original motion was carried and the Council adjourned until Monday next at 10 O'clock A.M.

Reuben L. Davis, Chief Clerk



## FIFTEENTH DAY

Council Chamber, Helena, M.T.  
Sept. 12th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of thirteenth day read and approved.

The following reports were received.

Mr. President,

Your Ways and Means Committee to whom was referred H.B. No. 14—"A bill for an act concerning the term of office of county assessor" has had the same under consideration and respectfully report the same back with the recommendation that it do pass.

Waters

Mr. President,

Your Judiciary Committee have considered C.B. 24—"To enable counties to erect Court Houses" and recommend its passage.

Collins, Chairman

Mr. President,

Your Committee on Incorporations to whom was referred H.B. No. 11—"A bill for an act to provide for the condemnation of lands for railroad purposes" having had the same under consideration, herewith return the same with annexed amendment and recommend that as amended, it do pass.

J.E. Rickards, Chairman

Mr. President,

Your Committee of the Whole has had under consideration H.B. 8, amending the License Law and would recommend the adoption of the accompanying amendments and the passage of the bill as amended.

Kennedy, Chairman

H.B. No. 14, H.B. No. 11 and C.B. No. 24 were placed on general orders.

On motion of Kennedy, amendments Nos. 1, 2, 3, 4, 5, 6, to H.B. 8 were adopted and amendments Nos. 9, 10, were rejected.

On motion of Collins, amendment No. 7 was amended by striking out "500" and inserting in lieu thereof "1000" and the amendment, as amended, was adopted.

Kennedy moved that amendment No. 8 be rejected, which was lost.

On motion of Kennedy, amendment No. 8 was adopted.

Collins moved that the following amendment be adopted. Add a new section. "That section 22 of the act of which this is amendatory be and the

same is hereby repealed," which was lost.

A communication from the Governor was received.

On motion of Waters, the following amendment was adopted. Strike out of section, after the words "Merchants" the words "agent, drummer or travelling salesman".

Burleigh moved that the following amendment be adopted. After the word "description" in line of Section 15, insert the words "or any other species of goods or merchandise whatsoever", which was lost.

On motion of Kennedy, Section 15, as amended, was adopted.

On motion of Kennedy, the rules were suspended, the amendments were considered engrossed and the bill was read the third time.

Kennedy asked unanimous consent to offer the following amendment. Strike out the words "And not herein named". Collins objected.

On motion of Kennedy, the bill was referred to Committee on Ways and Means.

The Chair announced the appointment of Kennedy as a member of the Committee on Ways and Means.

The following communication from the Governor was read.

Territory of Montana  
Governor's Office  
Helena, Sept. 12, 1887

Gentlemen of the Legislative Council,

I have the honor to inform you that I have on this day approved and signed the bill which originated in your body entitled "An act to create the County of Cascade, to define its boundaries and to provide for its organization" and is numbered "3".

Respectfully,  
P.H. Leslie

On motion of Kennedy, the Council resolved itself into Committee of the Whole for the consideration of H.B. No. 2.

Council resumed. Mr. President in the Chair.

Batchelder asked for indefinite leave of absence, which the Council voted not to grant.

Sutherlin moved that the Council take a recess until 2 P.M. Lost.

Kennedy, Chairman of Committee of the Whole, was granted time to prepare report.

The following report was received.

Mr. President,

Your Special Committee to whom was referred C.B. No. 9—"A Bill for an act creating the office of Commissioner of Immigration" herewith return the same and recommend, in view of limited time of this Extraordinary Session, that the bill be indefinitely postponed.

J.E. Rickards, Chairman

On motion of Collins, the recommendations of the report were adopted.

On motion of Collins, C.B. No. 24 was taken from general orders and referred to Committee on Engrossment.

The following report was received.

Mr. President,

I am instructed by the Committee of the Whole to report back H.B. No. 19, with amendments hereto annexed, and to recommend that the amendments be adopted and the bill pass as amended.

Kennedy, Chairman

On motion of Kennedy, the amendments to H.B. No. 19 were adopted.

On motion of Burleigh, the rules were suspended, the amendments were considered engrossed, the bill was read the third time by its title and passed, as amended, by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Hundley, Kennedy, Rickards, Waters, Mr. President - 9.

Noes—Holliday, Sutherlin - 2. Absent, Pardee. Title agreed to.

On motion of Sutherlin, Council took a recess until 2 P.M.

## 2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

A communication from the House was received.

The following report was received.

Mr. President,

Your Engrossing Committee to which was referred C.B. No. 24, enabling the erection of court houses, respectfully return the same correctly engrossed.

Holliday, Chairman

C.B. No. 24 was placed on calendar for third reading.

The following report was received.

Mr. President,

As a minority of your Committee on Ways and Means, I beg leave to recommend that H.B. No. 8—“Concerning Licenses” be amended by striking out of lines 54 and 55 in section 14 the words “and not herein named” and that as thus amended, the bill do pass.

Kennedy

On motion of Kennedy, the amendment recommended in said report was adopted.

On motion of Kennedy, the rules were suspended, H.B. No. 8 was read the third time by its title and passed, as amended, by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Waters, Mr. President - 11.

Noes—None. Absent, Pardee. Title agreed to.

The following communication from the House was read.

Mr. President,

I am directed by the House to inform your Honorable body that Mr. Speaker has appointed as a conference committee on the part of the House on C.B. No. 2, Messrs. Kanouse, Titman, Armstrong, Hoffman and Alderson.

C.Bs. Nos. 11 and 19 and H. Bs. Nos. 26, 36 and 37 have passed the House and they are herewith transmitted.

The House has adopted a concurrent resolution for adjournment, a copy of which is herewith transmitted.

C.B. No. 6 is returned to the Council herewith.

David Marks, Chief Clerk

House Concurrent Resolution to adjourn. Be it resolved by the House, the Council concurring, that the extraordinary session of the 15th Legislature be and stand adjourned at 12 O'clock noon on Wednesday, the 14th inst.

C.Bs. Nos. 11 and 19 were referred to Committee on Enrollment.

H.B. No. 36 was read the first time. Kennedy moved to lay the bill on the table. Lost.

The bill was read the second time and referred to Committee on Military Affairs.

H.B. No. 37 was read first and second times and on motion of Collins, referred to Committee on Military affairs.

H.B. No. 26 was read first and second times.

Kennedy moved that the rules be suspended, the bill read the third time by its title and placed on its final passage.

Collins moved to amend by placing the bill on general orders; which was lost.

Sutherlin moved as an amendment that the bill be referred to the Committee on Mines and Minerals, which was carried and the bill so referred.

The House Concurrent Resolution to adjourn sine die Wednesday next at 12 M. was taken up.

Collins moved that the consideration of the resolution be postponed until Tuesday next at 11:55 A.M. Lost.

On motion of Waters, the resolution was adopted by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Holliday, Rickards, Waters, Mr. President - 7.

Noes—Collins, Hundley, Kennedy, Sutherlin - 4. Absent, Pardee.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 12th 1887

Mr. President,

I am directed by the House to inform your Honorable body that the House has concurred in all amendments to H.B. No. 2 except 1st Council amendment to Sec. 4, 2nd Council amendment to Sec. 57 and as to said amendments the Council is respectfully asked to appoint a Conference Committee and that Mr. Speaker has appointed as such committee on the part of the House, Messrs. Harwood, Kanouse and Marshall.

David Marks, Chief Clerk

Collins moved that a Committee of Conference on H.B. No. 2 be appointed, which was carried and the Chair appointed Collins, Kennedy and Burleigh to act on the part of the Council as such Committee.

No objection being made, Burleigh introduced C.B. No. 26 [sic]—"A bill for an act to amend an act for the formation of municipal corporations, approved March 10, 1887." Read first and second times and on motion of Rickards, placed on general orders.

On motion of Kennedy, the vote of the Council adhering to its refusal to concur in House amendments to C.B. No. 2 was reconsidered.

On motion of Kennedy, the Council concurred in H. amendments to C.B. No. 2 and the bill was referred to Committee on Enrollment.

On motion of Kennedy, the House Bills heretofore temporarily laid on the table were taken up.

H.B. No. 12 was read first and second times and referred to Committee on Incorporations.

On motion of Kennedy, the rules were suspended, C.B. No. 24 was read the third time and passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Mr. President - 9.

Noes—Kennedy - 1. Absent, Pardee. Title agreed to.

H.B. No. 17 was read first and second times and referred to Committee on Education and Labor.

H.B. No. 18 was read first and second times and referred to Committee on Education and Labor.

H.B. No. 23 was read first and second times. Holliday offered an amendment. Bill and amendment referred to Committee on Grazing and Stock-Growing.

On motion of Burleigh, C.B. No. 25 was taken from general orders and referred to Committee on Towns and Counties.

No objection thereto being made, Collins introduced C.B. No. 26—"An act concerning acknowledgments."

On motion of Collins, the rules were suspended, the bill was read the first and second times and referred to Committee on Judiciary.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Collins in the Chair.

Council resumed. Mr. President in the Chair.

A communication from the House was received.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Collins in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

Your Committee of Conference on Council amendments to H.B. No. 2 have considered the matters referred to them and the committee unanimously recommend that the amendment herewith accompanying be adopted in lieu of amendment to Sec. 4 and that the Council recede from its amendment to Sec. 57.

Collins  
Kennedy  
Burleigh

Harwood  
Kanouse  
Marshall, Com. on part of House

On motion of Collins, the recommendations of the report were adopted, the Council receded from its amendment to Sec. 57 and adopted the amendment reported by the Conference Committee.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 12, 1887

Mr. President,

I am directed by the House to inform your Honorable Body that the House asks for a Conference Committee on H.B. 19 and Mr. Speaker has appointed as such Committee on the part of the House, Messrs. Mantle, Toole and Wilson.

David Marks, Chief Clerk

On motion of Collins, a Committee of Conference on H.B. No. 19 was appointed. The Chair appointed Collins, Burleigh and Holliday such Committee.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 12, 1887

Mr. President,

I am directed by the House to inform your Hon. body that the House refuses to concur in the amendments of the Council to H.B. No. 8 and asks for a Committee of Conference, that Marshall, Kanouse and Mantle have been appointed such Committee on the part of the House.

Respectfully,  
David Marks, Chief Clerk

On motion of Kennedy, a Committee of Conference on H.B. No. 8 was appointed and the Chair appointed Kennedy, Rickards and Sutherlin such Committee.

On motion of Kennedy, Council took a recess until 4:30 P.M.

**4:30 P.M.**

Council resumed.

Mr. President in the Chair.

H.B. No. 33 was read first and second times and referred to Committee on Towns and Counties.

On motion of Hundley, H.B. No. 24 was taken from general orders. Hundley offered the following amendment. Strike out the words "under the rules promulgated by the Board of Stock Commissioners of Montana Territory for the recording of brands" which was adopted.

On motion of Hundley, the rules were suspended, the amendment was considered engrossed, the bill was read the third time and passed, as amended, by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Mr. President - 7.

Noes—Kennedy, Rickards, Sutherlin, Waters - 4. Absent, Pardee. Title was agreed to.

The following report was received.

Mr. President,

Your Committee of the Whole have considered H.B. 9, amended the same as annexed, and recommend that, as amended, it do pass.

Also, have considered C.B. 18—"Bill for an act to further define the boundaries of Yellowstone County", amended the same and as so amended, recommend that it do pass.

Collins, Chairman

On motion of Waters, the amendments to H.B. No. 9 were adopted and referred to the Committee on Engrossment.

On motion of Rickards, the amendments to C.B. No. 18 were adopted. Ordered engrossed.

The following report was received.

Mr. President,

Your Judiciary Committee have considered C.B. No. 26; concerning acknowledgments and recommend that it pass.

Collins, Chairman

On motion of Collins, the rules were suspended, the bill was considered engrossed and read the third time. Burleigh offered an amendment.

On motion of Rickards, the bill was placed on general orders.

Hundley, by unanimous consent, introduced without previous notice, C.B. No. 27—"A bill for an act to amend an act entitled an act to provide for Deputy County Treasurers and to fix their compensation, approved Feb. 18, 1887." Read first and second times and referred to Committee on Ways and Means.

On motion of Waters, Council took a recess until 7:30 P.M.

7:30 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following reports were received.

Mr. President,

Your Committee on Incorporations to whom was referred H.B. No. 12—"To enable certain cities and towns to incur indebtedness" herewith return the same without recommendation.

Rickards, Chairman

Mr. President,

Your Engrossing Committee to which was referred C.B. No. 18—"Defining the boundaries of Yellowstone County" ask to report the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Enrolling Committee to which was referred C.J.M. No. 1, asking an amendment to the alien Land Law, C.B. No. 19—"Amendment arboriculture

act", C.B. No. 2—"Apportioning members of Council to Meagher, Fergus, Gallatin and Park", C.B. No. 11—"Providing for transferring certain records from Gallatin County" would report them correctly enrolled.

Kennedy, Chairman

H.B. No. 12 was placed on general orders.

C.B. No. 18 was placed on calendar for third reading.

The Council resolved itself into Committee of the Whole for the consideration of general orders. Collins in the Chair.

Council resumed.

Mr. President in the Chair.

Collins, Chairman of Committee of the Whole, reported back H. Bs. Nos. 3 and 13, each with amendments, recommending that the bill pass as amended.

On motion of Collins, the amendment to H.B. No. 3 was adopted. Amendments ordered engrossed.

On motion of Rickards, the amendment to H.B. No. 13 was adopted. Ordered engrossed.

Kennedy moved that the Council adjourn. Lost.

On motion of Collins, C.Bs. Nos. 13, 14 and 15 were withdrawn from general orders.

Collins moved that the rules be suspended and the bill be indefinitely postponed. Lost.

On motion of Collins, H.B. No. 21 was taken up.

Burleigh moved that the rules be suspended and the bill read the third time and placed on its final passage. Lost.

Collins moved that the Council resolve itself into Committee of the Whole. Lost.

On motion of Sutherlin, the Council adjourned until tomorrow morning at 10 O'clock.

Reuben L. Davis, Chief Clerk

## SIXTEENTH DAY

Council Chamber, Helena, Montana  
September 13th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Prayer by the Chaplain.

A communication from the House was received.

Journal of yesterday read and approved.

The following communication from the House was read.

House of Representatives, Helena, Montana  
Sept. 12, 1887

Mr. President,

I am directed by the House to inform your Honorable Body that the House has agreed to the Conference Report on H.B. No. 2, C.J.M. No. 2, C. Bills 10 and 17 and H.B. No. 32 have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

C.J.M. No. 2 was referred to Committee on Enrollment.

On motion of Burleigh, the Council refused to concur in H. amendment to C.B. No. 17 and requested the appointment of a Committee of Conference thereon. Mr. President appointed Burleigh, Rickards and Collins to act as such Committee on the part of the Council.

On motion of Sutherlin, the House concurred in the amendments to C.B. No. 10 and the bill was referred to Committee on Enrollment.

The following reports were received.

Mr. President,

Your Committee on Education and Labor to whom was referred H.B. No. 17—"To create a school text book commission" having considered the same herewith return it with recommendation that it do pass.

J.E. Rickards, Chairman

Mr. President,

Your Engrossing Committee to which was referred Council amendments to H.B. No. 13—"Relating to municipal corporations", H.B. No. 3—"Relating to fees of County Recorders" respectfully return the same correctly engrossed.

Holliday, Chairman

Mr. President,

Your Engrossing Committee to which was referred H.B. No. 9 with amendments, ask to return the amendments correctly engrossed.

Holliday, Chairman

Mr. President,

The majority of your Committee on Military Affairs having had under consideration H.B. No. 37 and H.B. No. 36 most respectfully report the same back with the recommendation that it do pass.

Waters  
Burleigh

Mr. President,

Your Committee on Grazing and Stock-growing to whom was referred H.B. 23—"An act to amend Sec. 285 of the 4th Division of the Compiled Statutes of Montana" have considered the same and as amended, recommend it do pass.

Hundley, Chairman

On motion of Rickards, the rules were suspended, H.B. No. 17 was considered engrossed, read the third time and placed on its final passage.

The bills passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Waters, Mr. President - 11.

Noes—None. Absent, Pardee. Title agreed to.

H. Bills Nos. 3 and 13 and H.B. No. 9 were placed on calendar for third reading.

Kennedy was granted further time to prepare minority report on H. Bills Nos. 36 and 37.

On motion of Hundley, the amendment to H.B. No. 23 was adopted, amendment ordered engrossed.

Mr. President announced signing C. Bills Nos. 2, 11 and 19 and C.J.M. No. 1.

The following reports were received.

Mr. President,

The Ways and Means Committee to whom was referred C.B. No. 27—"A bill for an act to amend an act entitled an act to provide for Deputy County Treasurers and fix their compensation, approved Feby 18, 1887" having had the same under consideration most respectfully report the same back with the recommendation that it be laid upon the table.

Waters  
Collins

Mr. President,

As a minority of the Ways and Means Committee, I would report in favor of the passage of C.B. 27, amending the Deputy Treasurer Law, believing that the County Commissioners are the proper officers to decide on the necessity of assistance in a county office and not the Legislature.

Kennedy

On motion of Waters, the recommendation of the majority report that C.B. No. 27 be laid on the table was adopted by the following vote.

Ayes—Burleigh, Collins, Holliday, Rickards, Waters, Mr. President - 6.

Noes—Batchelder, Cardwell, Hundley, Kennedy, Sutherlin - 5. Absent, Pardee.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 13, 1887

Mr. President,

I am directed by the House to inform your honorable body that Mr. Speaker has appointed Messrs. Marshall, Blake and White to act with a like number from the Council to wait upon the Governor and inform him that this Legislative Assembly would adjourn at noon, tomorrow, Wednesday, Sept. 17th 1887.

David Marks, Chief Clerk

The Chair appointed Rickards, Waters and Hundley to act on the part of the Council as the Joint Committee to wait upon the Governor and inform him that this Legislative Assembly will adjourn at noon tomorrow.

The following communication from the Governor was received.

Territory of Montana  
Executive Department  
Helena, Sept. 13, 1887

Gentlemen of the Legislative Council,

I have the honor to inform you that I have this day approved and signed the bill which originated in your body entitled "An act to amend an act concerning the storage of Gunpowder, approved March 1st 1883" and is numbered "5".

Respectfully,  
P.H. Leslie

The following report was received.

Mr. President,

The Conference Committee on H.B. 8—"Concerning Licenses" have considered the same and recommend that the Council recede from its amendments, striking out Sec. 5 and that, that section be amended by stroking out the words "ten dollars" and inserting in lieu thereof the words "two dollars and fifty cents" and that an additional section be put in the bill repealing section 18 of the original License Law. That the Council recede from its amendments to Sec. 4 and 11 making one gallon the dividing point between wholesale and retail dealers.

The Council recede from its amendments changing the license for gambling. And that the House concur in the other Council amendments, except that a section be put in reducing the license on telephone instruments to fifty cents a year.

Kennedy  
Rickards  
Sutherlin

Kennedy moved that the amendment "reducing the license on telephone instruments to 50 cents a year" be not adopted, which was lost by the following vote.

Ayes—Batchelder, Cardwell, Holliday, Hundley, Kennedy - 5.

Noes—Burleigh, Collins, Rickards, Sutherlin, Waters, Mr. President - 6.  
Absent, Pardee.

The recommendations of the report of the conference committee were adopted.

H.B. No. 32 was read first and second times and referred to Committee on Judiciary.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 13, 1887

Mr. President,

I am directed by the House to inform your honorable body that the House has adopted the substitute offered to H.B. No. 19, as reported by the Committee on Conference and the bill and substitute are herewith transmitted. The same to be returned immediately after the action of the Council thereon.

The House has adopted the report of the Conference Committee on H.B. No. 8.

Mr. Speaker has appointed as Conference Committee on C.B. No. 17, Messrs. Blake, Toole and Spaulding.

H.J.M. No. 1 and H.B. No. 1 have passed the Council and they are herewith transmitted.

H.B. 34 has been laid on the table.

David Marks, Chief Clerk

The substitute for H.B. No. 19 was read and on motion of Cardwell adopted.

H.J.M. No. 1 was read first and second times and referred to Committee on Federal Relations.

H.B. No. 1 was read first and second times. Burleigh moved that the bill be referred to a special committee. Lost.

On motion of Collins, the bill was placed on general orders.

Rickards reported that the Joint Committee for that purpose had waited upon the Governor and were informed by him that he had at present no communication to make.

On motion of Cardwell, Council took a recess until 2 P.M.

2 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 13, 1887

Mr. President,

I am directed by the House to inform your Honorable Body that C.B. No. 24 and H.B. No. 25 have been laid upon the table.

H.B. No. 27 and C.B. No. 8, as amended, have passed the House and they are herewith transmitted.

David Marks, Chief Clerk

H.B. No. 27 was read the first and second times and referred to Committee on Roads and Highways.

On motion of Sutherlin, the Council concurred in H. amendments to C.B. No. 8 and the bill and amendments were referred to Committee on Enrollment.

A communication from the House was received.

On motion of Kennedy, the Council resolved itself into Committee of the Whole for the consideration of C.B. No. 22. Hundley in the Chair.

Council resumed. Mr. President in the Chair.

The following report was received.

Mr. President,

I am instructed by the Committee of the Whole to report back C.B. No. 22 and recommend that the same do not pass.

Hundley, Chairman

On motion of Collins, the recommendation of the report was adopted by the following vote.

Ayes—Burleigh, Collins, Holliday, Rickards, Waters, Mr. President - 6.

Noes—Batchelder, Cardwell, Kennedy, Sutherlin - 4. Absent, Pardee. Excused, Hundley.

The following report was received.

Mr. President,

Your Committee of Conference on C.B. No. 17, respectfully report that they have met a like committee on the part of the House and have agreed upon the following amendments. Strike out in section 1, the word "eighteen" and insert in lieu thereof the word "fifteen". That the House recedes from its amendments.

W.A. Burleigh  
T.E. Collins  
J.E. Rickards  
Committee on part of Council

On motion of Collins, the recommendations of the report were adopted.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 13, 1887

Mr. President,

I am directed by the House to inform your Honorable Body that Mantle introduced H.B. No. 38—"A bill for an act to define the boundary lines of Silver Bow County.

David Marks, Chief Clerk

The following report was received.

Mr. President,

Your Judiciary Committee have considered H.B. 32—"To amend sec. 253 of the compiled laws relating to commissions of executors and administrators and beg leave to report the same back with the recommendation that it pass.

Collins, Chairman

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 13th 1887

Mr. President,

I am directed by the House to inform your honorable body that the House has adopted the report of the Committee on Conference on C.B. No. 17 and the bill is herewith transmitted.

David Marks, Chief Clerk

H.B. No. 13 was read the third time and passed, as amended, by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Waters, Mr. President - 10.

Noes—Kennedy - 1. Absent, Pardee. Title agreed to.

H.B. No. 3 was read the third time and passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Waters, Mr. President - 10.

Noes—Kennedy - 1. Absent, Pardee. Title agreed to.

C.B. No. 18 was read the third time and lost by the following vote.

Ayes—Batchelder, Burleigh, Holliday, Rickards, Waters - 5.

Noes—Cardwell, Collins, Hundley, Kennedy, Sutherlin, Mr. President - 6. Absent, Pardee.

The amendments to H.B. No. 23 were reported engrossed and the bill placed on calendar for third reading.

The following report was received.

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. 2—"Providing for the transfer of certain records from Gallatin County to Park County", C.B. 11—"Apportioning members of the Territorial Council to the Counties of Meagher, Gallatin, Fergus and Park" and C.B. 19—"Amending the act for the encouragement of tree planting and arboriculture" were presented to the Governor for his signature at 1:45 P.M., Sept. 13, 1887.

Kennedy, Chairman

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 13, 1887

Mr. President,

I am directed by the House to inform your honorable body that Mantle, by unanimous consent, introduced H.B. No. 38—"To define the boundary lines of Silver Bow County." The House has concurred in Council amendments to H.B. No. 3.

David Marks, Chief Clerk

H.B. No. 9 was read the third time and passed, as amended, by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Rickards, Waters, Mr. President - 9.

Noes—Kennedy, Sutherlin - 2. Absent, Pardee. Title agreed to.  
The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 13, 1887

Mr. President,

I am directed by the House to inform your Honorable body that Mr. Speaker has appointed as a Conference Committee on H.B. No. 13, Messrs. Harwood, Marshall and Mantle.

David Marks, Chief Clerk

On motion of Rickards, a Committee of Conference on H.B. No. 13 was appointed. The Chair appointed Rickards, Collins, and Hundley such Committee.

On motion of Collins, H.B. No. 4 was taken from general orders, the rules were suspended and the bill was read the third time and passed by the following vote.

Ayes—Batchelder, Burleigh, Collins, Hundley, Kennedy, Rickards, Sutherlin, Mr. President - 8.

Noes—None. Absent, Cardwell, Holliday, Pardee, Waters. Title agreed to.

On motion of Collins, C.Bs. Nos. 20 and 16 were taken from general orders. The rules were suspended and C.B. No. 16 was read the third time and passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Rickards, Sutherlin, Waters, Mr. President - 10.

Noes—None. Absent, Pardee, Kennedy. Title agreed to.

C.B. No. 20 was read the third time and passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Waters, Mr. President - 11.

Noes—None. Absent, Pardee. Title agreed to.

Council took recess until 4:30 P.M.

4:30 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following report was received.

Mr. President,

Your Conference Committee appointed to confer with like Committee on the part of the House on H.B. No. 13 beg leave to report that we unanimously agree upon recommending that the Council recede from their amendment to Sec. 12.

Rickards, Chairman  
Committee on part of Council  
Harwood, Chairman  
Committee on part of House

On motion of Rickards, the recommendations of the report of the Conference Committee were adopted.

Mr. President announced the signing of H.Bs. Nos. 2, 24 and 17.

The following reports were received.

Mr. President,

Your Committee to whom H.B. 27 was referred have considered the same and recommend that Sec. 3 be stricken out and as amended, recommend it do pass.

Holliday, Chairman

Mr. President,

Your Committee on Enrollment begs leave to report that C.B. 10—"Amending the Marriage License law" has been correctly enrolled.

Kennedy, Chairman

On motion of Collins, the amendment to H.B. No. 27 was adopted.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 13, 1887

Mr. President,

I am directed by the House to inform your honorable body that the House has concurred in Council amendments to H.B. No. 9.

David Marks, Chief Clerk

House of Representatives, Helena, M.T.  
Sept. 13th 1887

Mr. President,

I am directed by the House to inform your honorable body that C.B. No. 16, under a suspension of the rules has passed the House and is herewith transmitted.

C.B. No. 20 has been laid upon the table.

David Marks, Chief Clerk

C.B. No. 16 was referred to Committee on Enrollment.

The following report was received.

Mr. President,

Your Committee on Federal relations to whom was referred H.J.M. No. 1, asking for a brick wall around the Penitentiary, have considered the same and recommend that it do pass.

Hundley, Chairman

On motion of Hundley, the rules were suspended, H.J.M. No. 1 was considered engrossed, read the third time and passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Waters, Mr. President - 11.

Noes—None. Absent, Pardee. Title agreed to.

On motion of Sutherlin, H.B. No. 12 was taken from general orders.

On motion of Kennedy, the bill was amended by striking out the word

"Five" and inserting in lieu thereof the word "Twelve".

On motion of Collins, the bill was further amended by striking out "Three" and inserting "Two".

On motion of Collins, the rules were suspended, the amendments were considered engrossed, the bill was read the third time by its title and passed by the following vote:

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Waters, Mr. President - 11.

Noes—None. Absent, Pardee. Title agreed to.

Burleigh moved that the Council take up H.B. No. 21. Lost.

Burleigh moved that H.B. No. 11 be taken up, that the rules be suspended and the bill placed on its final passage. Lost.

On motion of Kennedy, H.B. No. 14 was taken from general orders, the rules were suspended, the bill was read the third time and passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Sutherlin - 8.

Noes—Rickards, Waters, Mr. President - 3. Absent, Pardee. Title agreed to.

Mr. President announced signing H.B. No. 4.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 13th 1887

Mr. President,

I am directed by the House to inform your Honorable Body that the House concurred in Council amendments to H.B. No. 12.

David Marks, Chief Clerk

On motion of Collins, H.B. No. 6 was taken from general orders. The rules were suspended, the bill was read the third time by its title and placed on its final passage.

The bill passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Kennedy, Rickards, Sutherlin, Waters - 9.

Noes—Hundley, Mr. President - 2. Absent, Pardee. Title agreed to.

The following reports were received.

Mr. President,

Your Committee on Mines and Minerals to whom was referred H.B. No. 26—"Relating to appointment of Deputy Clerks and Recorders in Mining districts" herewith return the same without recommendation.

J.E. Rickards for Committee

Mr. President,

Your Committee on Education and Labor to whom was referred H.B. No. 18—"Amending an act to regulate gambling" having considered the same herewith return it without recommendation.

J.E. Rickards, Chairman

Waters moved that the vote by which H.B. No. 6 was passed be reconsidered. Lost.

H.B. No. 18 and 26 were placed on general orders.

On motion of Cardwell, Council took a recess until 7:30 P.M.

7:30 P.M.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

Mr. President announced signing C.Bs. Nos. 10, 17, 16 and 8 and C.J.M. No. 2 and H.B. No. 19.

The following reports were received.

Mr. President,

Your Committee on Enrollment to whom was referred C.B. No. 8—"Amending the contagious diseases among sheep law" and C.B. No. 17—"Authorizing the appointment of stenographers", C.B. No. 16—"Relating to motions for new trials" and C.J.M. No. 2, asking Congress for an increase in the members of the Legislative Assembly of this Territory, begs leave to report that they have been correctly enrolled.

Kennedy, Chairman

Mr. President,

As a minority of your Committee on Military Affairs, I beg leave to report H.B. No. 36—"To establish a flag of Montana" with the recommendation that it do not pass. When the flag of Montana is floated to the breeze, I think it should be as a nobler sentiment than "Gold and Silver", that the manhood and not the material wealth of Montana should be represented on our Territorial emblem.

Kennedy, Chairman

Mr. President,

As a minority of your Committee on Military Affairs, I beg leave to report H.B. No. 37—"An act regulating the militia" with the accompanying amendments and if amended, would recommend its passage.

Kennedy, Chairman

H.B. No. 36 was placed on general orders.

On motion of Kennedy, the amendments to H.B. No. 37 were adopted, considered engrossed, the rules were suspended, the bill was read the third time by its title and passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Waters and Mr. President - 11.

Noes—None. Absent, Pardee. Title agreed to.

No objection being made, Collins introduced C.B. No. 28—"A bill for an act relating to County Attorneys." Read first and second times.

On motion of Burleigh, the following amendment was adopted. Insert the words "In any case where the Territory or a County is a party".

On motion of Burleigh, the bill was considered engrossed, the rules were suspended, the bill was read the third time by its title and passed by the

following vote.

Ayes—Burleigh, Cardwell, Collins, Holliday, Rickards, Sutherlin, Waters, Mr. President - 8.

Noes—Batchelder, Hundley, Kennedy - 3. Absent, Pardee. Title agreed to.

Hundley moved that C.B. No. 12 be withdrawn from general orders.

Collins moved, as an amendment, that all bills in general orders be withdrawn. Lost.

The original motion was carried and C.B. No. 12 was taken up.

On motion of Hundley, the rules were suspended, the bill was considered engrossed, read the third time by its title and placed on its final passage.

The bill was lost by the following vote.

Ayes—Burleigh, Cardwell, Holliday, Hundley, Mr. President - 5.

Noes—Batchelder, Collins, Kennedy, Rickards, Sutherlin, Waters - 6. Absent, Pardee.

On motion of Collins, H.B. No. 32 was taken from general orders, the rules were suspended, the bill was considered engrossed, read the third time and passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Sutherlin, Waters, Mr. President - 9.

Noes—Kennedy, Rickards - 2. Absent, Pardee. Title agreed to.

On motion of Kennedy, the Council resolved itself into Committee of the Whole for the consideration of general orders. Kennedy in the Chair.

Council resumed. Mr. President in the Chair.

Kennedy, Chairman of Committee of the Whole, reported progress and asked leave to sit again.

On motion of Hundley, the Council adjourned until tomorrow morning at 9 O'clock.

Reuben L. Davis, Chief Clerk



## SEVENTEENTH DAY

Council Chamber, Helena, M.T.  
Sept. 14th 1887

Council met at 10 A.M. pursuant to adjournment.

Mr. President in the Chair.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 13th 1887

Mr. President,

I am directed by the House to inform your honorable body that Mr. Speaker has appointed as a Conference Committee on the part of the House on H.B. No. 37, Blake, Johnson and Marshall. C.B. No. 28, under a suspension of the rules, passed and is herewith transmitted.

David Marks, Chief Clerk

Kennedy, Waters and Batchelder were appointed to act on the part of the Council as Committee of Conference on H.B. No. 37.

C.B. No. 28 was ordered enrolled.

Mr. President announced signing H.Bs. Nos. 3, 6, 8, 9, 12, 13, 14 and H.J.M. No. 1.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 13, 1887

Mr. President,

I am directed by the House to inform your honorable body that H.B. No. 39, under a suspension of the rules, passed the House and is herewith transmitted.

David Marks, Chief Clerk

H.B. No. 39 was read first and second times. On motion of Cardwell, the rules were suspended, the bill was read the third time and passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Hundley, Kennedy, Rickards, Mr. President - 8.

Noes—Holliday, Sutherlin, Waters - 3. Absent, Pardee. Title agreed to.

The following communications from the Governor were received.

The Territory of Montana  
Governor's Office  
Helena, Sept. 13, 1887

Gentlemen of the Legislative Council,

I have the honor to inform you that I have on this day approved and signed Bills Nos. 11, 19 and 12 which originated in your body, the first named being a

bill entitled "An act to provide for transferring certain records from Gallatin County to Park County". The second named being "An act to amend an act entitled an act to encourage tree planting and arboriculture in Montana, approved Feb. 28th 1887" and the third being "An act to apportion members of the Legislative Council to the Counties of Meagher, Fergus, Gallatin and Park."

Respectfully,  
P.H. Leslie

Territory of Montana  
Governor's Office  
Helena, Sept. 14, 1887

Gentlemen of the Legislative Council,

I have the honor to inform you that I have on this day approved and signed Bills which originated in your body titled and numbered as follows. Bill No. 10 entitled "An act amending an act entitled an act concerning marriages approved March 9, 1887." Bill No. 8 entitled "An act to amend an act entitled an act to suppress and prevent the dissemination of scab and infectious diseases among sheep approved March 10, 1887." Bill No. 16, entitled "An act relating to motions for new trials." Bill No. 17 entitled "An act to amend an act authorizing the appointment of stenographers by the district court approved March 10, 1887."

Respectfully,  
P.H. Leslie

On motion of Kennedy, Council took a recess of ten minutes.

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following reports were received.

Mr. President,

Your Enrolling Committee to which was referred C.B. No. 28—"Relating to County Attorneys" respectfully report the same back correctly enrolled.

Kennedy, Chairman

Mr. President,

Your Committee on Enrollment desires to report that C.B. 8—"To suppress and prevent the dissemination of certain diseases among sheep", C.B. 10—"Amending the Marriage License Law", C.B. 16—"Relating to motions for new trials", and C.B. 17—"To amend the law authorizing the appointment of stenographers" were presented to the Governor for his consideration at 9 P.M. Sept. 13, 1887.

E.C. Waters

Mr. President,

A minority of the Conference Committee on H.B. 37—"Regulating the militia" would report in favor of the Council refusing to recede from its amendments.

Kennedy  
Batchelder

Mr. President,

A majority of the Conference Committee on H.B. 37—"Regulating the militia" report in favor of the Council receding from all amendments except those to Secs. 2 and 6.

E.C. Waters, Chairman

On motion of Kennedy, the Council adhered to its amendments to H.B. No. 37.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 14, 1887

Mr. President,

I am directed by the House to inform your honorable body that the resolution herewith accompanying has been adopted by the House.

David Marks, Chief Clerk

Resolved by the House, the Council concurring, that the time for adjourning the Extraordinary Session of the Fifteenth Legislative Assembly be extended from 12 O'clock noon on Wednesday, the 14th day of Sept. until 7 O'clock P.M. of said day, provided that no new matters of Legislative shall be introduced in either branch after 12 O'clock noon.

On motion of Collins, the resolution was amended by striking out all after the word "Provided" and inserting in lieu thereof the words "That nothing shall be considered by the Legislative Assembly except communications from the Executive after 12 O'clock noon" and by striking out the word "seven" and inserting "six". The resolution, as amended, was adopted.

Mr. President announced signing H. Bills Nos. 32 and 39.

The following report was received.

Mr. President,

Your Committee on Printing begs leave to report that it has had H.B. No. 20—Entitled "An act regulating the publication of certain matters, approved March 10th 1887" under consideration and asks leave to report the same back without recommendation.

Sutherlin, Chairman

H.B. No. 20 was placed on general orders.

Mr. President announced signing C.B. 28.

Sutherlin introduced C.J.R. No. 2, to provide payment for certain printing for the Legislative Assembly. Read first and second times. On motion of Burleigh, the rules were suspended, the resolution was considered engrossed, read the third time by its title and passed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Waters, Mr. President - 11.

Noes—None. Absent, Pardee. Title agreed to.

The following report was received.

Mr. President,

Your Committee on Enrollment beg leave to report that C.B. No. 28—"An act relating to County Attorneys" having passed both Houses and signed by the Speaker and President was presented to the Governor for his signature at 11 O'clock A.M.

Collins, of the Committee  
on Enrollment

The following communication was received.

Territory of Montana  
Governor's Office  
Helena, M.T., Sept. 14th 1887

Gentlemen of the Legislative Council,

I nominate for your consent and approval Professor G.C. Swallow and J.H. Meyers to be members with the Superintendent of Public Instruction of the School Text Book Committee.

Respectfully,  
P.H. Leslie

Referred to Committee on Education and Labor.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 14, 1887

Mr. President,

I am directed by the House to inform your honorable body that the House insists upon its nonconcurrence in Council amendment to H.B. No. 37.

The House has concurred in the amendment adopted by the Council in reference to the resolution for adjournment.

David Marks, Chief Clerk

On motion of Collins, the Council refused to recede from its amendments to H.B. No. 37.

The chair appointed Collins, Batchelder and Burleigh, a Committee on Mileage.

The following report was recorded.

Report of Committee on Mileage:

Mr. President,

Your Select Committee appointed to ascertain the number of miles necessarily traveled by the members of the Extraordinary session of the Fifteenth Legislative Council in reaching the capitol and returning to their homes beg leave to submit the following report, that we find the distance traveled to be as follows:

Batchelder, Geo. C., starting point, Horse Prairie carriage to Red Rock thence to Helena by R.R. 400 miles.

Cardwell, Edward, starting point, Mouth of Boulder, route traveled private conveyance to Boulder; coach to Jefferson thence to Helena by R.R. 150 miles.

Collins, Timothy E., starting point, Fort Benton, route traveled carriage and coach to Helena, 300 miles.

Hickman, Richard O., starting point, Virginia City, route traveled carriage and coach to Dillon thence to Helena by R.R. 424 miles.

Holliday, Samuel L., starting point Livingston, route traveled carriage and R.R. to Helena 250 miles.

Hundley, Wm. B., starting point, Helena, no mileage claimed.

Kennedy, Will, starting point, Missoula, route traveled carriage and R.R. to Helena 254 miles.

Pardee, James K., starting point, Philipsburg, route traveled carriage and coach to Drummond, thence to Helena by R.R. 206 miles.

Rickards, John E., starting point, Butte City, route traveled carriage and R.R. to Helena 214 miles.

Burleigh, Walter A., starting point, Miles City, route traveled N.P. Railway to Helena 770 miles.

Waters, Ela C., starting point, Billings, route traveled carriage and R.R. to Helena 480 miles.

Sutherlin, Will H., starting point, near White Sulphur Springs, carriage to Springs, coach to Townsend, thence to Helena by R.R. 156 miles.

Collins, Chairman

On motion of Cardwell, the report was adopted.

The following report was received.

Mr. President,

Your Committee on Education and Labor to whom was referred the nomination by the Governor of G.C. Swallow and J.H. Meyers to be members of the School Text Book Commission, most respectfully report the same back without recommendation.

J.E. Rickards, Chairman

On motion of Collins, the nomination of Prof. Geo. C. Swallow as a member of the School Text Book Commission was confirmed by the following vote.

Ayes—Burleigh, Cardwell, Collins, Holliday, Hundley, Sutherlin, Waters - 7.

Noes—Batchelder, Kennedy, Rickards, Mr. President - 4. Absent, Pardee.

On motion of Burleigh, the vote by which Prof. George C. Swallow was confirmed was reconsidered and the motion was again voted upon and lost by the following vote.

Ayes—Cardwell, Collins, Hundley, Sutherlin - 4.

Noes—Batchelder, Burleigh, Holliday, Kennedy, Rickards, Waters, Mr. President - 7. Absent, Pardee.

On motion of Waters, the appointment of Prof. John H. Meyers as a member of the School Text Book Commission was confirmed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Waters, Mr. President - 11.

Absent, Pardee.

On motion of Hundley, Council took a recess until 2:30 P.M.

**2:30 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 14, 1887

Mr. President,

I am directed by the House to inform your Honorable Body that the Governor has approved H. Bills Nos. 4, 24, 19, 17 and 2.

David Marks, Chief Clerk

On motion of Burleigh, Council took a recess until 3:30 P.M.

**3:30 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

Council took a recess until 4:30 P.M.

**4:30 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 14th 1887

Mr. President,

I am directed by the House to inform your Honorable Body that the Governor has approved H. Bills Nos. 9, 39, 32, 3, 14, 13, 8 and 12.

David Marks, Chief Clerk

On motion of Burleigh, the following Resolution was adopted. Resolved by the Council that the thanks of the Legislative Council of the Territory of Montana are due and hereby tendered to the publishers of the Daily Herald and Daily Independent of Helena and the Butte Miner and Intermountain of Butte City for their courtesy in furnishing gratuitously copies of the daily edition of each of their newspapers and to the Publishers of the Stock Growers Journal, Bozeman Courier, Rocky Mountain Husbandman for the weekly editions of said papers furnished to the members of the Council during the Extraordinary Fifteenth Session.

Burleigh

The Journal of proceedings, at 4:30 P.M., of this day, was read and approved.

The following communications from the Governor were received.

The Territory of Montana  
Governor's Office.  
Helena, Sept. 14, 1887

Gentlemen of the Legislative Council,

I have the honor to inform you that I have approved and signed the bill which originated in your body which is numbered 28 and entitled "An act relating to county attorneys."

Respectfully,  
P.H. Leslie

The Territory of Montana  
 Governor's Office  
 Helena, September 14, 1887

Gentlemen of the Legislative Council,

I nominate for your consent and approval R.H. Howey (in lieu of Prof. G.C. Swallow whom a majority of your body has rejected) to be a member of the School Text Book Commission.

Respectfully,  
 P.H. Leslie

On motion of Burleigh, a call of the House was had, Collins and Waters not answering, the Sergeant at Arms was instructed to bring in the absentees, who appeared and on motion of Burleigh, all further proceedings under the call were dispensed with.

On motion of Hundley, the appointment of R.H. Howey was confirmed by the following vote.

Ayes—Batchelder, Burleigh, Cardwell, Collins, Holliday, Hundley, Kennedy, Rickards, Sutherlin, Mr. President - 10.

Absent, Waters, Pardee.

The Journal of proceedings to 4:30 P.M. of this day were read and approved.

Council took a recess until 5 P.M.

**5 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
 Sept. 14, 1887

Mr. President,

I am directed by the House to inform your Honorable Body that the Governor has approved H.B. No. 6.

David Marks, Chief Clerk

The following communication from the Governor was received.

The Territory of Montana  
 Governor's Office  
 Helena, Sept. 14, 1887

Gentlemen of the Legislative Council,

I nominate for your advice and consent Thomas L. Napton of the County of Silver Bow for the office of Attorney General of the Territory of Montana.

Respectfully,  
 P.H. Leslie

Referred to Committee on Judiciary.

Council took a recess until 5:25 P.M.

**5:25 P.M.**

Council resumed.

Mr. President in the Chair.

Roll called—Quorum present.

The following communication from the House was received.

House of Representatives, Helena, M.T.  
Sept. 14, 1887

Mr. President,

I am directed by the House to inform your Honorable body that Mr. Speaker has appointed Messrs. Marshall, Scobey and Buskett to act with a like committee of the Council to wait upon his Excellency the Governor and ascertain if he has any further communications to make with this Legislative Assembly before its adjournment.

David Marks, Chief Clerk

The following Report was received.

Mr. President,

Your Judiciary Committee have considered the nomination of T.L. Napton for the office of Attorney General and request that I report the same back without recommendation.

Collins, Chairman

Collins moved that the appointment of T.L. Napton as Attorney General be confirmed, which was lost by the following vote.

Ayes—Batchelder, Cardwell, Collins, Hundley, Sutherlin - 5.

Noes—Burleigh, Holliday, Kennedy, Rickards, Waters, Mr. President - 6.  
Absent, Pardee.

Hundley offered the following resolution.

Resolved that the thanks of the Fifteenth Legislative Council of the Territory of Montana are due and hereby tendered to the Hon. Richard O. Hickman, President of the Council, for the honorable, faithful and unpartial manner in which he has presided over the meetings of the Council during its present session and for the diligence and care exhibited in attending to the matters which have come before us.

Hundley was called to the Chair and after remarks by various members heartily supporting the Resolution, the same was adopted by a unanimous vote.

Mr. President in the Chair.

Mr. President appointed Hundley, Sutherlin and Batchelder to act on the part of the Council upon the joint committee to wait upon the Governor and ascertain if he has any further communication to make to this Legislative Assembly.

Hundley, from joint committee to wait upon the Governor, reported that the Committee had performed that duty and that the governor had no further communication to make.

On motion of Burleigh, the thanks of the Council were extended to the officers and attaches of the Council for the efficient and faithful manner in which their duties were performed.

Journal of proceedings to this time read and approved.

Benediction by the Chaplain.

On motion of Kennedy, the Council adjourned sine die.

Attest

Reuben L. Davis  
Chief Clerk

R.O. Hickman  
President



# SUBJECT INDEX

## REGULAR SESSION

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HJR .....	House Joint Resolution
CJR.....	Council Joint Resolution
HJM.....	House Joint Memorial
CJM .....	Council Joint Memorial

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- 1 Introduced by Kennedy: "A bill for an act amending Section 529 of the Fifth Division of the Revised Statutes of Montana."

**Legislative Day** 4, 8, 40, 46, 53, 54, 55.

- 2 Introduced by Waters: "A bill for an act to repeal Section 3 of an act entitled an act to provide for licensing commercial travelers, approved July 22nd, 1879."

**Legislative Day** 6, 50, 51.

- 3 Introduced by Kennedy: "A bill for an act amending the Probate Practice Act, Section 55, Chapter III, Second Division, Revised Statutes of Montana."

**Legislative Day** 6, 13, 16, 23, 24, 25, 30, 31, 33.

- 4 Introduced by Kennedy: "A bill for an act requiring the publication of certain matters."

**Legislative Day** 8, 10, 11, 12, 13, 15, 18, 20, 51, 53, 55, 58, 60.

- 5 Introduced by Rickards: "A bill for an act providing for the transfer of certain records relating to the townsite of Butte City."

**Legislative Day** 9, 22, 23, 25, 58.

- 6 Introduced by Thompson: "A bill for an act to amend Article I of Chapter XV of the Fifth Division of the Revised Statutes of Montana relating to corporations for industrial or production purposes."

**Legislative Day** 10, 12, 24, 30, 31, 33, 34, 39, 40, 53, 54, 57, 58.

- 7 Introduced by Waters: "A bill for an act concerning the Montana Library."

**Legislative Day** 10, 24.

- 8 Introduced by Collins: "A bill for an act in relation to the taxation of telegraph companies."

**Legislative Day** 10, 58, 60.

- 9 Introduced by Kennedy: "A bill for an act to amend Section 1193, Fifth Division, Revised Statutes of Montana."

**Legislative Day** 10, 15, 17.

- 10 Introduced by Thompson: "Bill for an act concerning payment of jurors and witnesses in criminal cases in attendance upon the district and probate courts."

**Legislative Day** 11, 13, 17, 18, 26, 57, 58.

- 11 Introduced by Holliday: "An act to create the County of Park and for the election of officers thereof."

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- 12 Introduced by Kennedy: "An act providing for the posting of estrays in this Territory."

**Legislative Day** 13, 17, 32, 33, 34, 37, 52.

- 13 Introduced by Rickards: "A bill for an act authorizing the deposit of public funds in banks."

**Legislative Day** 13, 17, 60.

- 14 Introduced by Collins: "A bill for an providing for the punishment of persons in the possession of stolen property in the Territory of Montana, having stolen the same in some other territory, state or country and for the punishment of receivers of stolen property."

**Legislative Day** 15, 17, 18, 19, 20, 41, 46, 47.

- 15 Introduced by Kennedy: "An act in relation to fencing railroads and erection of cattle guards."

**Legislative Day** 15, 17, 36, 37, 38, 47, 48, 59.

- 16 Introduced by Collins: "A bill for an act in relation to fees of County Assessors."

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- 17 Introduced by Holliday: "A bill for the relief of A.W. Tanner."

**Legislative Day** 16, 32, 36.

- 18 Introduced by Cardwell: "A bill for an act in relation to fees of County Assessor."

**Legislative Day** 17, 19, 32, 36, 38, 52.

- 19 Introduced by Hundley: "A bill for an act to amend an act to provide for counsel in certain criminal cases, approved February 23rd, 1881."

**Legislative Day** 17, 19, 24, 25.

- 20 Introduced by Sutherlin: "A bill for an act to amend Section 371 of the Fifth Division of the Revised Statutes."

**Legislative Day** 17, 19, 24, 25, 26, 29, 31, 36.

- 21 Introduced by Kennedy: "An act to provide for a Territorial board of arbitration for the settlement of differences between employers and employees."

**Legislative Day** 18, 22, 32, 34, 37, 47, 48, 50, 51.

- 22 Introduced by Sutherlin: "A bill for an act to encourage tree planting and arboriculture in Montana."

**Legislative Day** 18, 22, 31, 34, 36, 46, 47, 50, 51.

- 23 Introduced by Rickards: "A bill for an act to punish seduction."

**Legislative Day** 20, 31, 32, 39, 48.

- 24 Introduced by Rickards: "A bill for an act relating to the protection, employment and adoption of children."
- Legislative Day** 24, 32, 33, 37, 38, 39, 40, 53, 54, 57, 58.
- 25 Introduced by Waters: "An act to provide for the erection of a Territorial prison and the custody and labor of territorial prisoners."
- Legislative Day** 24, 31, 33, 36, 39, 41, 54.
- 26 Introduced by Committee on Judiciary: "A bill for an act to provide compensation for Samuel Snyder for certain services and to authorize the County Commissioners of the County of Fergus & Meagher to audit and allow the same."
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- 27 Introduced by Sutherlin: "A bill for an act to punish persons for making fraudulent pedigrees of live stock."
- Legislative Day** 29, 32, 36, 37, 54, 57, 58.
- 28 Introduced by Collins: "A bill for an act entitled an act to amend Section 1051 of the Fifth Division of the Revised Statutes of Montana."
- Legislative Day** 30, 60.
- 29 Introduced by Committee on Mines & Minerals: "An act concerning records of mining locations."
- Legislative Day** 30, 48, 54.
- 30 Introduced by Committee on Ways & Means: "A bill for an act to amend Sections 71, 77, 80 and 81 of the Fifth Division of the Revised Statutes of Montana, increasing the salaries and funds of the Territorial Auditor and Treasurer."
- Legislative Day** 33, 38, 39, 40, 48, 50, 51, 54, 55.
- 31 Introduced by Rickards: "A bill for an act to authorize the changing the names of persons and places."
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- 32 Introduced by Rickards: "A bill for an act providing for the adoption of children."
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- 33 Introduced by Thompson: "A bill for an act relating to assessment and levy of taxes."
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- 34 Introduced by Rickards: "A bill for an act to amend Section 504 of the Fifth Division of Revised Statutes."
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- 35 Introduced by Sutherlin: "A bill for an act to restrict the use of poison for bait in killing wild animals."
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- 36 Introduced by Collins: "A bill for an act to provide for the appointment and to prescribe the duties of a public examiner for the Territory of Montana."

**Legislative Day** 37, 39, 47, 50, 51, 59.

- 37 Introduced by Special Committee: "A bill for an act prohibiting the sale of intoxicating liquors within two miles of any railroad in process of construction."

**Legislative Day** 37, 39, 46, 50, 51, 52, 58, 59.

- 38 Introduced by Kennedy: "A bill for an act concerning marriage."

**Legislative Day** 38, 41, 46, 50, 51, 58, 59.

- 39 Introduced by Rickards: "A bill for an act to regulate soliciting by persons requiring the payment of money in advance or the delivery to them of property at the time of taking an order."

**Legislative Day** 39, 46, 47, 50, 51, 58.

- 40 Introduced by Waters: "An act to provide for the levy and collection of taxes upon property of railroad companies in Montana Territory."

**Legislative Day** 39.

- 41 Introduced by Sutherlin: "A bill for an act to amend Section 968 of the Fifth Division of the Revised Statutes."

**Legislative Day** 39, 48, 51, 58.

- 42 Introduced by Collins: "A bill for an act to create the office of Attorney General to define his powers and duties and for other purposes."

**Legislative Day** 39, 46, 50, 51, 52, 57.

- 43 Introduced by Rickards: "An act to amend an act entitled an act to organize and regulate the military, approved March 10, 1885."

**Legislative Day** 40, 46, 50, 52, 59, 60.

- 44 Introduced by Cardwell: "An act for the care and maintenance of orphan children."

**Legislative Day** 40, 47, 50, 51, 54, 58, 60.

- 45 Introduced by Rickards: "A bill for an act relating to the formation of municipal corporations."

**Legislative Day** 40, 47, 48, 50, 53, 58, 60.

- 46 Introduced by Rickards: "A bill for an act to provide for the establishing of Graded School Districts."

**Legislative Day** 41, 46, 47, 55.

- 47 Introduced by Sutherlin: "A bill for an act to suppress and prevent the dissemination of scab and contagious diseases among sheep."

**Legislative Day** 41, 46, 50, 59, 60.

- 48 Introduced by Sutherlin: "A bill for an act to restrict the duties of County Clerks, Probate Judges and Justices of the Peace."

**Legislative Day** 47, 52, 54.

- 49 Introduced by Rickards: "A bill for an act to declare and protect the legal and personal identity of married women."

**Legislative Day** 47, 51, 52, 53, 54.

- 50 Introduced by Rickards: "A bill for an act to place the inmates of insane asylums under the protection of the laws by securing to them their postal rights."

**Legislative Day** 47, 52, 53, 54.

- 51 Introduced by Hundley: "A bill for an act concerning expert witnesses and jurors."

**Legislative Day** 47, 48, 50, 51, 54, 55, 57.

- 52 Introduced by Collins: "A bill for an act to regulate the amount of costs of witnesses in criminal cases."

**Legislative Day** 48, 50, 52, 58.

- 53 Introduced by Rickards: "A bill for an act creating a Territorial Board of Medical Examiners, and defining their duties."

**Legislative Day** 48, 51, 52, 53, 54.

- 54 Introduced by Rickards: "A bill for an act providing for the better protection of game and fish and for the creation of the office of game and fish detective."

**Legislative Day** 50, 52, 53, 55.

- 55 Introduced by Collins: "A bill for an act to amend Section 391 of the Fifth Division of the Revised Statutes of Montana in relation to duties of County Recorders."

**Legislative Day** 50, 51, 52, 58.

- 56 Introduced by Cardwell: "A bill for an act to permanently fix and determine the boundary line of Jefferson County."

**Legislative Day** 50, 51.

- 57 Introduced by Sutherlin: "A bill for an act to require the owners of barbed wire fences to keep the same in repair."

**Legislative Day** 52, 53, 54, 59, 60.

- 58 Introduced by Collins: "An act authorizing the governor to restore the rights of citizenship to discharged convicts."

**Legislative Day** 53, 54, 57, 58.

- 59 Introduced by Rickards: "A bill for an act to punish seduction."

**Legislative Day** 53, 58.

- 60 Introduced by Hundley: "A bill for an act to amend an act concerning inmates of public institutions."

**Legislative Day** 57, 58, 60.

- 61 Introduced by Hickman: "A bill for an act to amend Section 192 of the Fourth Division of the Revised Statutes of Montana."

**Legislative Day** 58, 59, 60.

- 62 Introduced by Waters: "An act to prevent persons from unlawfully using or wearing the badges of the Grand Army of the Republic, Knights of Labor or any other society in this Territory."

**Legislative Day** 58, 59, 60.

- 63 Introduced by Holliday: "A bill for an act defining the apportionment of members of the House of Representatives in the Counties of Meagher and Gallatin."

**Legislative Day** 58, 60.

- 64 Introduced by Holliday: "An act to reimburse the sheriffs of the different counties of the Territory of Montana for the board of county prisoners."

**Legislative Day** 59, 60.

- 65 Introduced by Collins: "An act to authorize the Commissioners of the County of Choteau to build jails at the towns of Choteau and Great Falls."

**Legislative Day** 60.

- 66 Introduced by Collins: "An act to authorize County Commissioners of the several counties to build jails or lockups."

**Legislative Day** 60.

- 67 Introduced by Hundley: "An act to authorize the Territorial Auditor to investigate claims made upon the fund for killing certain animals."

**Legislative Day** 60.

# COUNCIL JOINT MEMORIALS

- 1 Introduced by Holliday: "Asking for an appropriation for the Yellowstone National Park."  
**Legislative Day** 22, 23, 25, 26, 30, 31, 39, 40, 46, 50.
- 2 Introduced by Collins: "Asking that the office of U.S. Surveyor General in the Territories be not abolished."  
**Legislative Day** 30, 31, 34, 37.
- 3 Introduced by Cardwell: "Relative to pioneer settlers of the Yellowstone National Park."  
**Legislative Day** 32, 33, 39, 41, 46.



# COUNCIL JOINT RESOLUTIONS

- 1 Introduced by Collins: "Relating to the appointment of additional clerks."

**Legislative Day** 5, 6.

- 2 Introduced by Hundley: "For the relief of George Bashaw, J.H. McFarland and Jno. O'Neill."

**Legislative Day** 8, 9, 11, 12, 16, 18.

- 3 Introduced by Kennedy: "Providing for the printing of additional bills and for other printing."

**Legislative Day** 11, 12.

- 4 Introduced by Committee on Indian Affairs: "For the relief of certain Cree Indians."

**Legislative Day** 18, 19, 20.

- 5 Introduced by Sutherlin: "Providing for printing of the Governor's message and other documents."

**Legislative Day** 26, 30, 31, 32, 39.

- 6 Introduced by Hundley: "Joint Resolution authorizing the appointment of a committee to confer with the authorities of Dakota in relation to measures for the preventing and suppression of contagious diseases among live stock."

**Legislative Day** 29, 31, 32, 40.

- 7 Introduced by Collins: "To defray the expenses of telegraphing C.J.M. No. 2 to our delegate in Congress."

**Legislative Day** 31, 33, 34, 37.

- 8 Introduced by Hundley: "To compensate D.H. Weston for services rendered the Territory."

**Legislative Day** 46, 47, 50, 51, 57, 58.

- 9 "Authorizing Chas. H. Snell to compile, arrange, print and publish the general and permanent laws of the Territory of Montana, etc."

**Legislative Day** 51, 54.

- 10 Introduced by Pardee: "To defray the expenses of the Executive Department."

**Legislative Day** 51, 52, 53, 55, 57, 58.

- 11 Introduced by Waters: "To provide compensation for Wm. Steel and F.R. Shaffer, Accountants."

**Legislative Day** 52, 53, 54.

- 12 Introduced by Sutherlin: "To authorize the employment of additional clerks for the enrollment of bills."

**Legislative Day** 53, 55.

- 13 Introduced by Waters: "An act for the relief of Farragut Post No. 7, G.A.R."

**Legislative Day** 55, 57, 58.

- 14 Introduced by Cardwell: "To defray the expenses of the joint committee visiting the penitentiary and the Territorial Insane Asylum and for other purposes."

**Legislative Day** 55, 58, 59, 60.

- 15 Introduced by Kennedy: "Instructing the Secretary of the Territory to omit the publication of a certain alleged law relating to the protection of game."

**Legislative Day** 58, 60.

# **TITLE INDEX REGULAR SESSION HOUSE BILLS IN THE COUNCIL**

- 1 Introduced by Blake: "A bill for an act concerning the crime of rape."  
**Legislative Day** 6, 11, 13, 15, 18, 23, 24, 25, 29, 31, 33, 34, 40, 53, 57.
- 2 Introduced by Blake: "A bill for an act to authorize the governor to execute bonds for arms for the militia."  
**Legislative Day** 6, 9, 15, 19, 20.
- 3 Introduced by Brown: "An act concerning the sale of intoxicating liquors to the indigent poor."  
**Legislative Day** 9, 16, 18, 20, 22, 23, 24, 29, 31, 34, 40.
- 4 Introduced by Brown: "An act to amend Sec. 398 and to repeal Sec. 452 of the Revised Statutes of Montana."  
**Legislative Day** 9, 16.
- 5 Introduced by Blake: "A bill for an concerning the rights of married women."  
**Legislative Day** 9, 16, 25, 31, 32, 36, 37, 52, 57.
- 6 Introduced by Alderson: "An act to repeal certain sections of the Fourth Division of the Revised Statutes of Montana."  
**Legislative Day** 9, 33, 40, 47, 48, 50.
- 7 Introduced by Scobey: "An act concerning the Bonds of Justices of Peace and Constables."  
**Legislative Day** 9, 20, 26.
- 8 Introduced by Blake: "An act concerning the Seal of the Territory."  
**Legislative Day** 9, 12, 15.
- 9 Introduced by Kanouse: "A bil for an act to apportion the members of the Legislative Assembly."  
**Legislative Day** 9, 60.
- 10 Introduced by Thompson: "An act to protect the wages of wage workers."  
**Legislative Day** 16, 24, 25, 26, 40, 50, 52.
- 11 Introduced by Holt: "To amend Sec. 1 of an act to prevent the branding of cattle during certain seasons of the year."  
**Legislative Day** 11, 13, 15, 16, 17, 19, 20.

- 12 Introduced by Kanouse: "A bill for an act to amend an act entitled, an act limiting compensation of certain officers herein named."

**Legislative Day** 11.

- 13 Introduced by White: "An act to prevent the sale of intoxicants in variety theatres."

**Legislative Day** 11, 29, 32, 36, 37, 46.

- 14 Introduced by Alderson: "An act to provide the public schools of the Territory with Webster's Unabridged Dictionary."

**Legislative Day** 12.

- 15 Introduced by Blake: "An act concerning time of holding terms of the Supreme Court."

**Legislative Day** 12, 20, 24.

- 16 Introduced by Brown: "An act concerning road superintendents and defining their duties."

**Legislative Day** 13, 40.

- 17 Introduced by Brown: "An act to enable the County of Beaverhead to build a Court House."

**Legislative Day** 13, 34.

- 18 Introduced by Blake: "A bill for an act to amend an act concerning the power of corporations to own land."

**Legislative Day** 13, 37.

- 19 Introduced by Hoffman: "An act for the purpose of appropriating money for the improvement of the Law Library of the Territory of Montana."

**Legislative Day** 13.

- 20 Introduced by Page: "A bill for an act to establish a hospital for the insane."

**Legislative Day** 13, 48, 50, 53, 54, 57, 59.

- 21 Introduced by Buskett: "An act for the relief of A.J. Davidson and Wm. N. Baldwin." (See HJR 3)

**Legislative Day** 15, 17.

- 22 Introduced by Buskett: "An act to repeal Sections 2 and 3 of an act entitled an act to provide for the collection of special poor tax approved February 15, 1883."

**Legislative Day** 16.

- 23 Introduced by Hanscomb: "An act to secure to miners' greater safety."

**Legislative Day** 16, 39, 50, 51, 52, 55.

- 24 Introduced by Muth: "An act concerning mortgages upon real and personal property of corporations."

**Legislative Day** 16, 38.

- 25 Introduced by Judiciary Committee: "A bill for an act defining compensation for county officers."
- Legislative Day** 17, 32, 40, 41, 47, 48, 50.
- 26 Introduced by Buskett: "An act to provide for the registration of the names of electors and to prevent frauds at elections."
- Legislative Day** 17, 31, 50, 52, 53, 55, 57.
- 27 Introduced by Page: "A bill for an act to regulate gambling."
- Legislative Day** 17, 23, 24, 25, 26, 51, 52, 53, 57, 58, 59.
- 28 Introduced by Page: "A bill for an act to amend Sec. 310, Article 3, page 469, Revised Statutes of Montana."
- Legislative Day** 17, 32, 40, 52, 53, 54, 55, 57.
- 29 Introduced by Mantle: "A bill for an act in relation to railroad corporations."
- Legislative Day** 17, 46, 48, 50, 51, 52, 53.
- 30 Introduced by Kanouse: "A bill for an act to secure watering places for stock."
- Legislative Day** 17.
- 31 Introduced by Blake: "A bill for an act concerning the trustees of religious corporations."
- Legislative Day** 19, 29, 39, 40, 47.
- 32 Introduced by Hanscomb: "An act to secure persons and animals from danger arising from mining and other excavations."
- Legislative Day** 19, 52.
- 33 Introduced by Toole: "An act to amend Section 801 of the Fifth Division of the Revised Statutes of Montana."
- Legislative Day** 29, 51.
- 34 Introduced by Gorham: "An act to amend an act relative to killing certain animals."
- Legislative Day** 20, 46, 48, 50, 51, 52, 53, 55, 57.
- 35 Introduced by Hanscomb: "A bill for an act for liens of mechanics and others."
- Legislative Day** 22, 54, 55, 58, 59, 60.
- 36 Introduced by Thompson: "A bill for an act concerning licenses."
- Legislative Day** 22, 53, 54, 55, 57, 58, 59, 60.
- 37 Introduced by Muth: "An act to amend an act entitled an act limiting the compensation of certain officers named herein."
- Legislative Day** 22, 37, 38, 39, 41, 46.
- 38 Introduced by Gorham: "An act concerning supervision of roads and highways."
- Legislative Day** 23, 47, 54, 55, 57, 58, 59.

- 39 Introduced by Page: "A bill for an act to prohibit the retailing of intoxicating liquors on Sunday."

**Legislative Day** 23, 59.

- 40 Introduced by Buskett: "An act to provide for the establishment of independent grade school districts."

**Legislative Day** 24, 38.

- 41 Introduced by Harwood: "An act concerning chattel mortgages."

**Legislative Day** 24, 47, 48, 50, 51, 52, 55, 57.

- 42 Introduced by Committee on Elections: "A bill for an act relating to elections."

**Legislative Day** 25, 37, 47, 50, 51, 55, 57, 58.

- 43 Introduced by Brown: "A bill for an act to amend an act entitled an act concerning fences, approved March 10, 1885."

**Legislative Day** 25, 39, 47, 50, 51, 53, 44.

- 44 Introduced by Taylor: "An act to amend Section 380, Article 2, Fifth Division of the Revised Statutes of Montana Territory."

**Legislative Day** 25, 37, 47, 50, 51, 54, 57, 58, 59.

- 45 Introduced by Armstrong: "An act concerning the fees of jurors in civil cases, approved February 21, 1881."

**Legislative Day** 26, 39, 41, 46, 47, 52.

- 46 Introduced by Taylor: "An act to prevent rams to run at large between the first day of August and the first day of December."

**Legislative Day** 26, 41, 46, 47, 52.

- 47 Introduced by Taylor: "An act to prevent the abandonment of sheep."

**Legislative Day** 26, 41, 47.

- 48 Introduced by Hanscomb: "An act to provide for the payment of stock killed or injured by railroads."

**Legislative Day** 29, 54, 59, 60.

- 49 Introduced by Harwood: "A bill for an act regulating appeals from orders granting new trials in the District Court."

**Legislative Day** 29, 47.

- 50 Introduced by Armstrong: "An act concerning the fees and compensation of certain district and county officers."

**Legislative Day** 30, 51, 58, 59, 60.

- 51 Introduced by Harwood: "A bill for an act to amend an act entitled an act limiting the compensation of certain officers herein named, approved March 12, 1885."

**Legislative Day** 30, 40, 41, 46, 47.

- 52 Introduced by Muth: "An act to amend Sections 396 and 397 of the Second Division of the Statutes of Montana Territory."  
**Legislative Day** 30, 48, 50, 52, 55, 57.
- 53 Introduced by Mantle: "A bill for an act concerning obscene literature."  
**Legislative Day** 30, 41, 46, 47, 51, 52, 57.
- 54 Introduced by Blake: "An act to compile and arrange the general laws of the Territory of Montana, in force at the commencement of the Fifteenth Regular Session of the Legislative Assembly on the tenth day of January, A.D. 1887."  
**Legislative Day** 30, 37, 46, 47, 51, 52.
- 55 Introduced by Harwood: "A bill for an act to authorize the organization and incorporation of building and loan associations."  
**Legislative Day** 31, 50, 51, 53, 54, 57.
- 56 Introduced by Harwood: "A bill for an act to amend an act entitled an act to create the County of Yellowstone and for the election of officers thereof, approved February 26, 1883."  
**Legislative Day** 32, 46, 48, 51.
- 57 Introduced by Joint Library Committee: "An act reorganizing and consolidating the Montana Library."  
**Legislative Day** 32, 57, 59, 60.
- 58 Introduced by Gorham: "A bill for an act concerning the Lord's Day."  
**Legislative Day** 33, 50, 51.
- 59 Introduced by Wilson: "An act to amend an act concerning the representation of Quartz Lodes."  
**Legislative Day** 33, 54, 55, 58, 59, 60.
- 60 Introduced by Muth: "An act for the relief of Fisk Brothers." (See HJR No. 4)  
**Legislative Day** 36, 53, 54.
- 61 Introduced by Muth: "An act to amend an act entitled an act to enable the County of Lewis and Clarke to build a court house."  
**Legislative Day** 36, 40, 41, 46, 47, 51, 52, 59.
- 62 Introduced by Harwood: "A bill for an act to amend an act entitled an act to authorize county commissioners to issue bonds to redeem outstanding indebtedness, approved March 6, 1883."  
**Legislative Day** 36, 50, 51, 55, 57, 59.
- 63 Introduced by White: "An act to amend Section 648 of the Fifth Division of the Revised Statutes of Montana."  
**Legislative Day** 37, 57, 58.

- 64 Introduced by Marshall: "An act concerning the publication of summons."

**Legislative Day** 37, 55, 58, 59, 60.

- 65 Introduced by Page: "A bill for an act to provide for preventing the evils of intemperance by local option in any county in this Territory by submitting the question of prohibiting the sale of intoxicating liquors to the qualified voters of such county, to provide penalties for its violation and other purposes."

**Legislative Day** 38, 58, 59, 60.

- 66 Introduced by Taylor: "An act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Montana."

**Legislative Day** 58.

- 67 Introduced by Marshall: "An act in relation to the alienation of mining property by corporations."

**Legislative Day** 48, 55, 58, 59, 60.

- 68 Introduced by Blake: "An act to provide for the organization of railroad corporations, and to regulate the operations thereof."

**Legislative Day** 58, 59.

- 69 Introduced by Thompson: "An act to repeal Article 2 of the Fifth Division of the Revised Statutes of the Territory of Montana."

**Legislative Day** 47, 48, 50, 52.

- 70 Introduced by Blake: "A bill for an act to establish a Board of Education."

**Legislative Day** 46.

- 71 Introduced by Blake: "An act to amend Section 161 of the Fourth Division of the Revised Statutes of Montana."

**Legislative Day** 46, 47, 50, 51, 52, 55, 57.

- 72 Introduced by Scobey: "An act to amend Sections 106 and 110 of the Fifth Division of the Revised Statutes of Montana Territory."

**Legislative Day** 40, 55, 57, 58, 59.

- 73 Introduced by Blake: "An act authorizing the appointment of stenographers by the District Courts."

**Legislative Day** 40, 57, 58, 59, 60.

- 74 Introduced by Armstrong: "An act to encourage the construction of canals in the Territory of Montana."

**Legislative Day** 40, 59.

- 75 Introduced by Marshall: "An act to create the office of Attorney General."

**Legislative Day** 40, 58.

- 76 Introduced by Hoffman: "An act to amend Sections 2 and 5 of an act entitled an act to protect game, fur bearing animals and fish."
- Legislative Day** 41, 55, 58, 59, 60.
- 77 Introduced by Thompson: "A bill to prevent double taxation."
- Legislative Day** 41, 55.
- 78 Introduced by Marshall: "A bill for an act to amend an act creating the office of County Attorney."
- Legislative Day** 46, 59.
- 79 Introduced by Taylor: "An act to create the County of Teton and for the election of officers thereof."
- Legislative Day** 46, 57.
- 80 Introduced by Hoffman: "An act regarding the sale of poisonous drugs."
- Legislative Day** 47, 57, 58, 59, 60.
- 81 Introduced by Holt: "An act to prevent diseased animals running at large on the public range."
- Legislative Day** 47, 57, 58, 59.
- 82 Introduced by Johnson: "A bill to prevent the poisoning of dogs and other domestic animals and to define the punishment for the same."
- Legislative Day** 47, 57, 58, 59, 60.
- 83 Introduced by Committee on Incorporations: "A bill for an act concerning savings banks and trust deposit and security associations."
- Legislative Day** 47, 53, 55, 58, 59, 60.
- 84 Introduced by Marshall: "A bill for an act fixing the compensation of sheriffs for the board of prisoners."
- Legislative Day** 48, 59, 60.
- 85 Introduced by Taylor: "An act to amend an act entitled an act for the better protection of live stock."
- Legislative Day** 48, 57, 58, 59.
- 86 Introduced by Muth: "An act to amend Section 292 of the Fifth Division of the Revised Statutes of Montana."
- Legislative Day** 48, 59, 60.
- 87 Introduced by Scobey: "A bill for an act to provide for the seizure and sale of trespassing swine."
- Legislative Day** 50, 59.
- 88 Introduced by Armstrong: "An act to amend Sections 585 and 594 of Chapter Twenty-two of the Fifth Division of the Revised Statutes."
- Legislative Day** 50, 51, 60.

- 89 Introduced by Armstrong: "An act to amend Section 319 of Chapter One of the First Division of the Revised Statutes."
- Legislative Day** 50, 59, 60.
- 90 Introduced by Blake: "A bill for an act to provide for keeping the military stores."
- Legislative Day** 51, 55, 57.
- 91 Introduced by Muth: "An act concerning prisoners in city jails."
- Legislative Day** 51, 58, 59, 60.
- 92 Introduced by Muth: "A bill for an act concerning the registration of voters in incorporated cities and towns."
- Legislative Day** 51, 60.
- 93 Introduced by White: "An act to amend Chapter IV of the Fifth Division of the Revised Statutes of the School Law of Montana."
- Legislative Day** 51, 59, 60.
- 94 Introduced by Johnson: "A bill for an act to amend Sections 5, 6, 10, 11, 15, 18 and 19 of an act entitled an act to suppress and prevent the dissemination of contagious and infectious diseases among domestic animals and Texas cattle, approved March 10, 1885 and to add Section 20 thereto."
- Legislative Day** 53, 58, 59, 60.
- 95 Introduced by Page: "A bill for an act to amend Section 355, Title 10, Chapter 3, First Division, Revised Statutes of Montana."
- Legislative Day** 53, 57, 58, 59.
- 96 Introduced by Taylor: "For an act to repeal Section 806 of the Revised Statutes."
- Legislative Day** 53.
- 97 Introduced by Armstrong: "An act for the establishment of free libraries and reading rooms in incorporated cities in the Territory of Montana."
- Legislative Day** 53, 59.
- 98 Introduced by Blake: "A bill for an act to amend Sections 587, 589, 590 and 596 of the Code of Civil Procedure concerning eminent domain."
- Legislative Day** 53, 59, 60.
- 99 Introduced by Kanouse: "A bill for an act creating a Territorial Board of Education."
- Legislative Day** 53, 60.
- 100 Introduced by Gorham: "A bill for an act to create the County of Cascade, to define its boundaries and to provide for its organization."
- Legislative Day** 53, 60.

101 Introduced by Marshall: "An act concerning mortgages on both real and personal property."

**Legislative Day** 54, 60.

102 Introduced by Johnson: "A bill for an act to provide for the deposit of the public funds in banks."

**Legislative Day** 54, 59, 60.

103 Introduced by Scobey: "An act to improve the efficiency, morality and general standing in railway train service and to further insure the safety of the traveling public."

**Legislative Day** 55, 58.

104 Introduced by Hanscomb: "An act providing for a Territorial Inspector of Boilers and Stationary Engines."

**Legislative Day** 55.

105 Introduced by Mantle: "An act to authorize married women to transact business in their own names, as Sale Traders."

**Legislative Day** 57.

106 Introduced by Blake: "An act to provide for compiling, editing and indexing the general laws of the Territory of Montana in force at the adjournment of the Fifteenth Regular Session of the Legislative Assembly."

**Legislative Day** 57, 59, 60.

107 Introduced by Marshall: "An act to amend an act entitled an act to establish and maintain a hospital for the insane."

**Legislative Day** 59, 60.



# **HOUSE JOINT RESOLUTIONS IN THE COUNCIL**

- 1 Introduced by Alderson: "Providing for the payment of printing, etc., not provided for by the general government."

**Legislative Day** 12, 16, 20, 24, 25.

- 2 Introduced by Mantle: "For the relief of J.X. Beidler."

**Legislative Day** 30, 41, 50, 54, 55, 57.

- 3 Introduced by Committee on Ways and Means: "For the relief of Ansalem J. Davidson and William N. Baldwin."

**Legislative Day** 37, 54, 55, 57.

- 4 Introduced by Committee on Ways and Means: "An act for the relief of Fisk Brothers."

**Legislative Day** 53, 54, 55, 57.

- 5 Introduced by Page: "Relating to the Official Map of Montana."

**Legislative Day** 48, 54.

- 6 Introduced by Mantle: "Authorizing the purchase of office furniture, fixtures and supplies for the offices of the Governor and Secretary of Montana."

**Legislative Day** 51, 53.

- 7 Introduced by Blake: "To compensate Chas. H. Snell for compiling and arranging the general and permanent laws of Montana Territory."

**Legislative Day** 51, 57, 58, 59.

- 8 Introduced by Harwood: "To provide for the payment of telegraphing House Joint Memorial No. 5 to the delegate of Montana at Washington, D.C. and for other purposes."

**Legislative Day** 58, 59, 60.

- 9 Introduced by Blake: "House Joint Resolution making appropriation for the Historical Society of Montana."

**Legislative Day** 58, 59, 60.



# **HOUSE JOINT MEMORIALS IN THE COUNCIL**

- 1 Introduced by Committee on Public Lands: "Concerning the repeal of the Desert Land Act of March 3rd, 1887."

**Legislative Day** 9, 30, 47.

- 2 Introduced by Scobey: "Concerning the Ft. Buford Military Reservation."

**Legislative Day** 13, 15, 16, 20.

- 3 Introduced by Blake: "House Joint Memorial concerning the timber lands of the United States within the Territory of Montana."

**Legislative Day** 9, 20, 22.

- 4 Introduced by Blake: "House Joint Memorial concerning the Act of Congress entitled an act to prohibit the passage of local or special laws in the territories of the United States, to limit territorial indebtedness, and for other purposes, approved July 30, 1886."

**Legislative Day** 13, 17, 18, 19.

- 5 Introduced by Harwood: "House Joint Memorial concerning the Crow Indians."

**Legislative Day** 13, 17.

- 6 Introduced by Page: "Relating to the extension of public surveys."

**Legislative Day** 15, 18, 23, 24, 31.

- 7 Introduced by Alderson: "Memorializing Congress to appropriate money for the building of a wagon road from Cinabar to Cooke City, Montana."

**Legislative Day** 20, 29, 30, 31, 46, 51.

- 8 Introduced by Alderson: "Concerning the Fort Ellis Military Reservation."

**Legislative Day** 39, 40, 41, 46, 47, 51.



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CJM .....	Council Joint Memorial

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- 2 Introduced by Holliday: "An act to apportion members of the Legislative Council to the counties of Meagher, Fergus, Gallatin and Park."  
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- 3 Introduced by Collins: "A bill for an act to create the County of Cascade to define its boundaries and to provide for its organization."  
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- 4 Introduced by Hundley: "A bill for an act to define disturbance of the peace."  
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- 5 Introduced by Rickards: "A bill for an act to amend an act relating to the storage of gun powder, approved March 31, 1883."  
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- 6 Introduced by Burleigh: "A bill for an act to repeal an act relative to bounty for killing certain animals, approved March 5, 1887."  
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- 7 Introduced by Sutherlin: "A bill for an act to protect breeders of livestock in the Territory of Montana."  
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- 8 Introduced by Sutherlin: "A bill for an act to amend an act entitled an act to suppress and prevent the dissemination of Scab and infectious diseases among sheep, approved March 10, 1887."  
**Legislative Day** 5, 6, 9, 12, 13, 16, 17.
- 9 Introduced by Collins: "A bill for an act creating the office of Commissioner of Immigration."  
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- 10 Introduced by Kennedy: "A bill for an act amending an act entitled an act concerning marriages, approved March 9, 1887."  
**Legislative Day** 5, 9, 10, 11, 16, 17.
- 11 Introduced by Holliday: "A bill for an act transferring certain records from Gallatin County to Park County."  
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- 12 Introduced by Hundley: "A bill for an act to protect owners of bottles, boxes, syphons and kegs used in the sale of soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages."

**Legislative Day** 6, 13, 16, 17.

- 13 Introduced by Collins: "An act concerning instructions to juries."

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- 14 Introduced by Collins: "A bill for an act concerning new trials."

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- 15 Introduced by Collins: "A bill for an act concerning appeals."

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- 16 Introduced by Burleigh: "A bill for an act relating to motions for new trials."

**Legislative Day** 6, 13, 16, 17.

- 17 Introduced by Burleigh: "A bill for an act to amend an act authorizing the appointment of stenographers by the District Court, approved March 10, 1887."

**Legislative Day** 6, 9, 10, 11, 12, 16, 17.

- 18 Introduced by Waters: "A bill for an act to further define the boundaries of Yellowstone County."

**Legislative Day** 6, 12, 15, 16.

- 19 Introduced by Sutherlin: "A bill for an act to amend an act entitled an act to encourage tree planting and arboriculture in Montana, approved February 28, 1887."

**Legislative Day** 9, 10, 11, 15, 16, 17.

- 20 Introduced by Sutherlin: "A bill for an act to regulate appeals from Probate and Justice Courts."

**Legislative Day** 10, 16.

- 21 Introduced by Kennedy: "A bill for an act to amend an act entitled an act relating to assessment and levy of taxes, approved March 10th, 1887."

**Legislative Day** 11.

- 22 Introduced by Kennedy: "A bill for an act to amend an act entitled an act relating to assessment and levy of taxes, approved March 10, 1887."

- 22 Introduced by Kennedy: "A bill for an act creating the office of District Attorney and defining the duties thereof."

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- 23 Introduced by Burleigh: "An act to regulate the fees of Justices of the Peace."

**Legislative Day** 13.

- 24 Introduced by Cardwell: "A bill for an act to enable counties to erect Court Houses."

**Legislative Day** 13, 15, 16.

- 25 Introduced by Burleigh: "A bill for an act to amend an act for the formation of municipal corporations, approved March 10, 1887."

**Legislative Day** 15.

- 26 Introduced by Collins: "An act concerning acknowledgments."

**Legislative Day** 15.

- 27 Introduced by Hundley: "A bill for an act to amend an act entitled an act to provide for Deputy County Treasurers and to fix their compensation, aproved February 18, 1887."

**Legislative Day** 15, 16.

- 28 Introduced by Collins: "A bill for an act relating to County Attorneys."

**Legislative Day** 16, 17.



# COUNCIL JOINT RESOLUTIONS

- 1 Introduced by Kennedy: "Providing for extra clerks for Council and House and Compensation therefor."  
**Legislative Day 1, 2, 3.**
- 2 "To provide payment for certain printing for the Legislative Assembly."  
**Legislative Day 17.**



# COUNCIL JOINT MEMORIALS

- 1 Introduced by Pardee: "Council Joint Memorial praying for an amendment of Alien Land Law."

**Legislative Day** 12, 13, 15, 16.

- 2 Introduced by Pardee: "Praying for the passage of an Act of Congress increasing the number of members of the Legislative Assembly of Montana."

**Legislative Day** 13, 16.



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- 1 Introduced by Blake: "A bill for an act to establish and maintain a hospital for the insane."  
**Legislative Day** 2, 16.
- 2 Introduced by Committee on Ways and Means: "A bill for an act to provide for the assessment and levy of taxes."  
**Legislative Day** 3, 11, 12, 13, 15, 16, 17.
- 3 Introduced by Mantle: "A bill for an act to amend Section 594 of Chapter 22 of the Fifth Division of the Revised Statutes."  
**Legislative Day** 3, 6, 12, 15, 16, 17.
- 4 Introduced by Marshall: "A bill for an act to regulate trial practice in District Courts relative to instructions."  
**Legislative Day** 3, 5, 13, 16, 17.
- 5 Introduced by Muth: "A bill for an act concerning the office of Police Magistrate in incorporated cities."  
**Legislative Day** 3, 4, 13.
- 6 Introduced by Buskett: "A bill for an act to create the office of Attorney General of Montana Territory."  
**Legislative Day** 3, 6, 9, 11, 16, 17.
- 7 Introduced by Alderson: "A bill for an act defining the qualification of voters in incorporated towns and cities."  
**Legislative Day** 3, 5, 6, 8, 10, 11.
- 8 Introduced by Kanouse: "A bill for an act to amend an act entitled an act concerning licenses, approved March 10, 1887."  
**Legislative Day** 3, 9, 13, 15, 16, 17.
- 9 Introduced by Mantle: "A bill for an act to amend an act relating to liens of mechanics and others, approved March 9, 1887."  
**Legislative Day** 4, 11, 13, 15, 16, 17.
- 10 Introduced by Toole: "An act to apportion the members of the House of Representatives of the Territory of Montana."  
**Legislative Day** 5, 11.
- 11 Introduced by Marshall: "A bill for an act to provide for the condemnation of lands for railroads' purposes."  
**Legislative Day** 5, 12, 15, 16.

- 12 Introduced by Muth: "A bill for an act to enable certain cities to incur indebtedness."

**Legislative Day** 5, 13, 15, 16, 17.

- 13 Introduced by Mantle: "A bill for an act to amend an act relating to the formation of municipal corporations, approved March 10, 1884."

**Legislative Day** 5, 8, 11, 15, 16, 17.

- 14 Introduced by Taylor: "A bill for an act concerning the terms of County Assessors."

**Legislative Day** 6, 11, 15, 16, 17.

- 15 Introduced by White: "A bill for an act concerning the School Text Book Commission."

**Legislative Day** 6.

- 16 Introduced by Hanscomb: "A bill for an act to establish the office of Commissioner of Mines."

**Legislative Day** 6, 11.

- 17 Introduced by Mantle: "A bill for an act to repeal an act to prevent the sale of intoxicants."

**Legislative Day** 6, 11, 13, 15, 16, 17.

- 18 Introduced by Mantle: "A bill for an act to amend an act to regulate gambling, approved March 9, 1887."

**Legislative Day** 6, 13, 15, 16.

- 19 Introduced by Committee of the Whole: "A bill for an act concerning the bounty for killing certain wild animals."

**Legislative Day** 9, 10, 11, 15, 17.

- 20 Introduced by Marshall: "An act to amend an act entitled an act requiring the publication of certain matters, approved March 10, 1887."

**Legislative Day** 9, 12.

- 21 Introduced by Judicial Committee: "An act appropriating money to aid in the codification of the laws of the Territory of Montana."

**Legislative Day** 9, 12, 13, 15, 16.

- 22 Introduced by Taylor: "A bill to prevent running cattle and horses with dogs."

**Legislative Day** 9.

- 23 Introduced by Committee on Grazing & Stock-Growing: "An act to amend Section 285 of the 4th Division of the Compiled Statutes of Montana."

**Legislative Day** 9, 13, 15, 16.

- 24 Introduced by Committee on Grazing & Stock-Growing: "An act to amend Section 172 of the Fifth Division of the Compiled Statutes of Montana."

**Legislative Day** 9, 12, 13, 15, 16, 17.

- 25 Introduced by Muth: "A bill for an act to amend an act entitled an act to amend Sections 71, 77, 80 and 81 of the Fifth Division of the Revised Statutes of Montana increasing the salaries and bonds of the Territorial Auditor and Treasurer, approved March 5, 1887."

**Legislative Day** 9, 16.

- 26 Introduced by Marshall: "An act authorizing the appointment of deputy clerks and recorders in mining districts."

**Legislative Day** 9, 15, 16.

- 27 Introduced by Mantle: "A bill for an act to amend an act concerning roads and highways, approved March 9, 1887."

**Legislative Day** 9, 16.

- 28 Introduced by Mantle: "A bill for an act entitled an act relating to the registration and qualifications of voters."

**Legislative Day** 9, 13.

- 29 Introduced by Buskett: "An act to provide for a territorial penitentiary."

**Legislative Day** 10, 12.

- 30 Introduced by Alderson: "A bill for an act concerning irrigation and water rights."

**Legislative Day** 10, 13.

- 31 Introduced by Muth: "A bill for an act to amend an act entitled an act to provide for Deputy County Treasurers and to fix their compensation, approved February 18, 1887."

**Legislative Day** 10, 13.

- 32 Introduced by Taylor: "A bill for an act to amend Section 253 Second Division of the Compiled Laws of Montana."

**Legislative Day** 12, 16, 17.

- 33 Introduced by Kanouse: "A bill for an act to repeal Section 10 of an act entitled an act to create the County of Fergus and for the election of officers thereof."

**Legislative Day** 12, 13.

- 34 Introduced by Harwood: "A bill for an act relating to party walls in incorporated cities and towns."

**Legislative Day** 13, 16.

- 35 "An act to amend Section 3 of an act to protect fur bearing animals and fish, approved March 8, 1883."

**Legislative Day** 13.

- 36 Introduced by Committee on Military Affairs: "An act to establish the Flag of Montana."
- Legislative Day** 15, 16.
- 37 Introduced by Committee on Military Affairs: "A bill for an act regulating the Militia."
- Legislative Day** 15, 16, 17.
- 38 Introduced by Mantle: "A bill for an act to define the boundary lines of Silver Bow County."
- Legislative Day** 16.
- 39 Introduced by Newhall: "A bill for an act to repeal all laws relating to the payment of bounty for killing wild animals."
- Legislative Day** 17.

# **HOUSE JOINT RESOLUTIONS IN THE COUNCIL**

- 1 Introduced by Harwood: "To provide for certain printing."  
**Legislative Day** 16, 17.









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